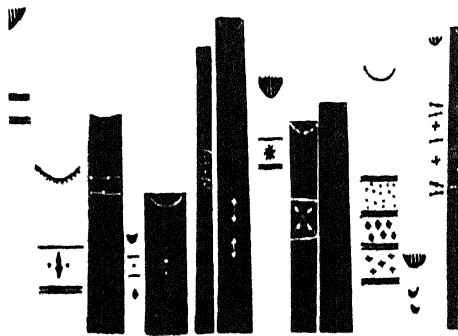


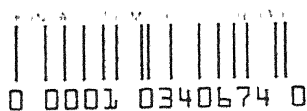
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**INTERNATIONAL
GOVERNMENTAL ORGANIZATIONS
CONSTITUTIONAL DOCUMENTS**

INTERNATIONAL GOVERNMENTAL ORGANIZATIONS CONSTITUTIONAL DOCUMENTS

In two Volumes

by

AMOS J. PEASLEE

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REVISED SECOND EDITION

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Reference

VOLUME II

INTERNATIONAL ATOMIC ENERGY AGENCY
to WORLD METEOROLOGICAL ORGANIZATION

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INTERNATIONAL ATOMIC ENERGY AGENCY

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Atomic Energy Agency is an autonomous organization under the aegis of the United Nations. It operates under a statute drawn up at a conference at the United Nations headquarters in New York from September 26 to October 26, 1956, which entered into force on July 29, 1956, following ratification by eighteen states including at least three of the following: Canada, France, USSR, United Kingdom and United States.¹

The 1956 Conference established a preparatory committee, pending the entry into force of the Convention, with the task of arranging the first session of the General Conference, the first meeting of the Board of Governors and of preparing a draft agreement with the United Nations.

The creation of an international agency for the promotion of the peaceful uses of atomic energy was proposed by President Eisenhower of the United States to the General Assembly of the United Nations on December 8, 1953. The General Assembly endorsed the proposal unanimously in 1954, and a group composed of Australia, Belgium, Canada, France, Portugal, Union of South Africa, United Kingdom and United States undertook the drafting of a statute. In 1955, a United Nations International Conference on the Peaceful Uses of Atomic Energy took place in Geneva, and in 1956, the drafting group was enlarged by the inclusion of Brazil, Czechoslovakia, India and the USSR. This group prepared the statute that was submitted to the 1956 Conference.

The Statute provides for a general review to take place six years after its coming into force if desired by a majority of members.² Members may withdraw five years after the entry into force of the Statute or whenever they are unwilling to accept an amendment thereto.²

¹ Statute, Art. 21.

² Id., Art. 18.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Agency seeks to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity and to ensure that its assistance is not used in such a way as to further any military purpose.¹ It encourages and assists research, makes provision for materials, services, equipment and facilities, encourages the exchange of scientific information and personnel, establishes and administers safeguards against use for military purposes and standards of safety.²

ORGANS

The organs are:

(1) A General Conference composed of representatives of all members meeting in annual session.³

(2) A Board of Governors composed of twenty three members appointed some by the outgoing Board and some by the General Conference, for terms of one and two years respectively, each having one vote.⁴

(3) The Staff.⁵

MEMBERSHIP

The members are Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussia, Cambodia, Canada, Ceylon, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Israel, Italy, Japan, Korea, Luxembourg, Mexico, Monaco, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Roumania, Senegal, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, Union of South Africa, USSR, United Arab Republic, United Kingdom, United States, Vatican City, Venezuela, Viet Nam and Yugoslavia.

MEANS OF FINANCIAL SUPPORT

Administrative expenses are apportioned according to a scale based on the principles used by the United Nations for contributions to its regular budget. Costs connected with Agency projects or bilateral or multilateral arrangement are fixed by the Board of Governors which also periodically establishes a scale of charges for materials, service, equipment and facilities provided by the Agency.⁶

¹ Id., Art. 2.

² Id., Art. 3.

³ Id., Art. 5.

⁴ Id., Art. 6.

⁵ Id., Art. 7.

⁶ Id., Art. 14.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has an agreement with the United Nations and submits annual reports to the General Assembly and, where appropriate, to its other organs. It has an agreement of co-operation with the nuclear energy agency of the OEEC.

HEADQUARTERS

The headquarters are at Kartnerring 11-13, Vienna.

STATUTE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

October 26, 1956

Establishment of the Agency

Art. 1. The Parties hereto establish an International Atomic Energy Agency (hereinafter referred to as "the Agency") upon the terms and conditions hereinafter set forth.

Objectives

Art. 2. The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose.

Functions

Art. 3. A. The Agency is authorized:

1. To encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world; and, if requested to do so, to act as an intermediary for the purposes of securing the performance of services or the supplying of materials, equipment, or facilities by one member of the Agency for another; and to perform any operation or service useful in research on, or development or practical application of, atomic energy for peaceful purposes;

2. To make provision, in accordance with this Statute, for materials, services, equipment, and facilities to meet the needs of research on, and development and practical application of, atomic energy for peaceful purposes, including the production of electric power, with due consideration for the needs of the under-developed areas of the world;

3. To foster the exchange of scientific and technical information on peaceful uses of atomic energy;

4. To encourage the exchange and training of scientists and experts in the field of peaceful uses of atomic energy;

5. To establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or, at the request of a State, to any of that State's activities in the field of atomic energy;

6. To establish or adopt, in consultation and, where appropriate, in

collaboration with the competent organs of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property (including such standards for labour conditions), and to provide for the application of these standards to its own operations as well as to the operations making use of materials, services, equipment, facilities, and information made available by the Agency or at its request or under its control or supervision; and to provide for the application of these standards, at the request of the parties, to operations under any bilateral or multilateral arrangement, or, at the request of a State, to any of that State's activities in the field of atomic energy;

7. To acquire or establish any facilities, plant and equipment useful in carrying out its authorized functions, whenever the facilities, plant, and equipment otherwise available to it in the area concerned are inadequate or available only on terms it deems unsatisfactory.

B. In carrying out its functions, the Agency shall:

1. Conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international co-operation, and in conformity with policies of the United Nations furthering the establishment of safeguarded world-wide disarmament and in conformity with any international agreements entered into pursuant to such policies;

2. Establish control over the use of special fissionable materials received by the Agency, in order to ensure that these materials are used only for peaceful purposes;

3. Allocate its resources in such a manner as to secure efficient utilization and the greatest possible general benefit in all areas of the world, bearing in mind the special needs of the under-developed areas of the world;

4. Submit reports on its activities annually to the General Assembly of the United Nations and, when appropriate, to the Security Council: if in connexion with the activities of the Agency there should arise questions that are within the competence of the Security Council, the Agency shall notify the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security, and may also take the measures open to it under this Statute, including those provided in paragraph C of article 12;

5. Submit reports to the Economic and Social Council and other organs of the United Nations on matters within the competence of these organs.

C. In carrying out its functions, the Agency shall not make assistance to members subject to any political, economic, military, or other conditions incompatible with the provisions of this Statute.

D. Subject to the provisions of this Statute and to the terms of agreements concluded between a State or a group of States and the Agency which shall be in accordance with the provisions of the Statute, the activities of the Agency shall be carried out with due observance of the sovereign rights of States.

Membership

Art. 4. A. The initial members of the Agency shall be those States Members of the United Nations or of any of the specialized agencies which shall have signed this Statute within ninety days after it is opened for signature and shall have deposited an instrument of ratification.

B. Other members of the Agency shall be those States, whether or not Members of the United Nations or of any of the specialized agencies, which deposit an instrument of acceptance of this Statute after their membership has been approved by the General Conference upon the recommendation of the Board of Governors. In recommending and approving a State for membership, the Board of Governors and the General Conference shall determine that the State is able and willing to carry out the obligations of membership in the Agency, giving due consideration to its ability and willingness to act in accordance with the purposes and principles of the Charter of the United Nations.

C. The Agency is based on the principle of the sovereign equality of all its members, and all members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with this Statute.

General Conference

Art. 5. A. A General Conference consisting of representatives of all members shall meet in regular annual session and in such special sessions as shall be convened by the Director General at the request of the Board of Governors or of a majority of members. The sessions shall take place at the headquarters of the Agency unless otherwise determined by the General Conference.

B. At such sessions, each member shall be represented by one delegate who may be accompanied by alternates and by advisers. The cost of attendance of any delegation shall be borne by the member concerned.

C. The General Conference shall elect a President and such other officers as may be required at the beginning of each session. They shall hold office for the duration of the session. The General Conference, subject to the provisions of this Statute, shall adopt its own rules of procedure. Each member shall have one vote. Decisions pursuant to paragraph H of article 14, paragraph C of article 18 and paragraph B of article 19 shall be made by a two-thirds majority of the members present and voting. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting. A majority of members shall constitute a quorum.

D. The General Conference may discuss any questions or any matters within the scope of this Statute or relating to the powers and functions of any organs provided for in this Statute, and may make recommendations to the membership of the Agency or to the Board of Governors or to both on any such questions or matters.

E. The General Conference shall:

1. Elect members of the Board of Governors in accordance with article 6;
 2. Approve States for membership in accordance with article 4;
 3. Suspend a member from the privileges and rights of membership in accordance with article 19;
 4. Consider the annual report of the Board;
 5. In accordance with article 14, approve the budget of the Agency recommended by the Board or return it with recommendations as to its entirety or parts to the Board, for re-submission to the General Conference;
 6. Approve reports to be submitted to the United Nations as required by the relationship agreement between the Agency and the United Nations, except reports referred to in paragraph C of article 12, or return them to the Board with its recommendations;
 7. Approve any agreement or agreements between the Agency and the United Nations and other organizations as provided in article 16 or return such agreements with its recommendations to the Board, for re-submission to the General Conference;
 8. Approve rules and limitations regarding the exercise of borrowing powers by the Board, in accordance with paragraph G of article 14; approve rules regarding the acceptance of voluntary contributions to the Agency; and approve, in accordance with paragraph F of article 14, the manner in which the general fund referred to in that paragraph may be used;
 9. Approve amendments to this Statute in accordance with paragraph C of article 18;
 10. Approve the appointment of the Director General in accordance with paragraph A of article 7.
- F. The General Conference shall have the authority:
1. To take decisions on any matter specifically referred to the General Conference for this purpose by the Board;
 2. To propose matters for consideration by the Board and request from the Board reports on any matter relating to the functions of the Agency.

Board of Governors

Art. 6. A. The Board of Governors shall be composed as follows:

1. The outgoing Board of Governors (or in the case of the first Board, the Preparatory Commission referred to in Annex I) shall designate for membership on the Board the five members most advanced in the technology of atomic energy including the production of source materials and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas not represented by the aforesaid five:

- (1) North America
- (2) Latin America
- (3) Western Europe
- (4) Eastern Europe
- (5) Africa and the Middle East

- (6) South Asia
- (7) South East Asia and the Pacific
- (8) Far East.

2. The outgoing Board of Governors (or in the case of the first Board, the Preparatory Commission referred to in Annex I) shall designate for membership on the Board two members from among the following other producers of source materials: Belgium, Czechoslovakia, Poland, and Portugal; and shall also designate for membership on the Board one other member as a supplier of technical assistance. No member in this category in any one year will be eligible for redesignation in the same category for the following year.

3. The General Conference shall elect ten members to membership on the Board of Governors, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A-1 of this article, so that the Board shall at all times include in this category a representative of each of those areas except North America. Except for the five members chosen for a term of one year in accordance with paragraph D of this article, no member in this category in any one term of office will be eligible for re-election in the same category for the following term of office.

B. The designations provided for in sub-paragraphs A-1 and A-2 of this article shall take place not less than sixty days before each regular annual session of the General Conference. The elections provided for in sub-paragraph A-3 of this article shall take place at regular annual sessions of the General Conference.

C. Members represented on the Board of Governors in accordance with sub-paragraphs A-1 and A-2 of this article shall hold office from the end of the next regular annual session of the General Conference after their designation until the end of the following regular annual session of the General Conference.

D. Members represented on the Board of Governors in accordance with sub-paragraph A-3 of this article shall hold office from the end of the regular annual session of the General Conference at which they are elected until the end of the second regular annual session of the General Conference thereafter. In the election of these members for the first Board, however, five shall be chosen for a term of one year.

E. Each member of the Board of Governors shall have one vote. Decisions on the amount of the Agency's budget shall be made by a two-thirds majority of those present and voting, as provided in paragraph H of article 14. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of those present and voting. Two-thirds of all members of the Board shall constitute a quorum.

F. The Board of Governors shall have authority to carry out the functions of the Agency in accordance with this Statute, subject to its responsibilities to the General Conference as provided in this Statute.

G. The Board of Governors shall meet at such times as it may determine. The meetings shall take place at the headquarters of the Agency unless otherwise determined by the Board.

H. The Board of Governors shall elect a Chairman and other officers from among its members and, subject to the provisions of this Statute, shall adopt its own rules of procedure.

I. The Board of Governors may establish such committees as it deems advisable. The Board may appoint persons to represent it in its relations with other organizations.

J. The Board of Governors shall prepare an annual report to the General Conference concerning the affairs of the Agency and any projects approved by the Agency. The Board shall also prepare for submission to the General Conference such reports as the Agency is or may be required to make to the United Nations or to any other organization the work of which is related to that of the Agency. These reports, along with the annual reports, shall be submitted to members of the Agency at least one month before the regular annual session of the General Conference.

Staff

Art. 7. A. The staff of the Agency shall be headed by a Director-General. The Director-General shall be appointed by the Board of Governors with the approval of the General Conference for a term of four years. He shall be the chief administrative officer of the Agency.

B. The Director-General shall be responsible for the appointment, organization, and functioning of the staff and shall be under the authority of and subject to the control of the Board of Governors. He shall perform his duties in accordance with regulations adopted by the Board.

C. The staff shall include such qualified scientific and technical and other personnel as may be required to fulfil the objectives and functions of the Agency. The Agency shall be guided by the principle that its permanent staff shall be kept to a minimum.

D. The paramount consideration in the recruitment and employment of the staff and in the determination of the conditions of service shall be to secure employees of the highest standards of efficiency, technical competence, and integrity. Subject to this consideration, due regard shall be paid to the contributions of members to the Agency and to the importance of recruiting the staff on as wide a geographical basis as possible.

E. The terms and conditions on which the staff shall be appointed, remunerated, and dismissed shall be in accordance with regulations made by the Board of Governors, subject to the provisions of this Statute and to general rules approved by the General Conference on the recommendation of the Board.

F. In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any source external to the Agency. They shall refrain from any action which might reflect on their position as officials of the Agency; subject to their responsibilities to the Agency, they shall not disclose any industrial secret or other confidential information coming to their knowledge by reason of their official duties for the Agency. Each member undertakes to respect the international character of the responsibilities of the Director-General and the staff and shall not seek to influence them in the discharge of their duties.

G. In this article the term "staff" includes guards.

Exchange of information

Art. 8. A. Each member should make available such information as would, in the judgement of the member, be helpful to the Agency.

B. Each member shall make available to the Agency all scientific information developed as a result of assistance extended by the Agency pursuant to article 11.

C. The Agency shall assemble and make available in an accessible form the information made available to it under paragraphs A and B of this article. It shall take positive steps to encourage the exchange among its members of information relating to the nature and peaceful uses of atomic energy and shall serve as an intermediary among its members for this purpose.

Supplying of materials

Art. 9. A. Members may make available to the Agency such quantities of special fissionable materials as they deem advisable and on such terms as shall be agreed with the Agency. The materials made available to the Agency may, at the discretion of the member making them available, be stored either by the member concerned or, with the agreement of the Agency, in the Agency's depots.

B. Members may also make available to the Agency source materials as defined in article 20 and other materials. The Board of Governors shall determine the quantities of such materials which the Agency will accept under agreements provided for in article 13.

C. Each member shall notify the Agency of the quantities, form, and composition of special fissionable materials, source materials, and other materials which that member is prepared, in conformity with its laws, to make available immediately or during a period specified by the Board of Governors.

D. On request of the Agency a member shall, from the materials which it has made available, without delay deliver to another member or group of members such quantities of such materials as the Agency may specify, and shall without delay deliver to the Agency itself such quantities of such materials as are really necessary for operations and scientific research in the facilities of the Agency.

E. The quantities, form and composition of materials made available by any member may be changed at any time by the member with the approval of the Board of Governors.

F. An initial notification in accordance with paragraph C of this article shall be made within three months of the entry into force of this Statute with respect to the member concerned. In the absence of a contrary decision of the Board of Governors, the materials initially made available shall be for the period of the calendar year succeeding the year when this Statute takes effect with respect to the member concerned. Subsequent notifications shall likewise, in the absence of a contrary action by the Board, relate to the period of the calendar year following the notification and shall be made no later than the first day of November of each year.

G. The Agency shall specify the place and method of delivery and, where appropriate, the form and composition, of materials which it has requested a member to deliver from the amounts which that member has notified the Agency it is prepared to make available. The Agency shall also verify the quantities of materials delivered and shall report those quantities periodically to the members.

H. The Agency shall be responsible for storing and protecting materials in its possession. The Agency shall ensure that these materials shall be safeguarded against (1) hazards of the weather, (2) unauthorized removal or diversion, (3) damage or destruction, including sabotage, and (4) forcible seizure. In storing special fissionable materials in its possession, the Agency shall ensure the geographical distribution of these materials in such a way as not to allow concentration of large amounts of such materials in any one country or region of the world.

I. The Agency shall as soon as practicable establish or acquire such of the following as may be necessary:

1. Plant, equipment, and facilities for the receipt, storage, and issue of materials;
2. Physical safeguards;
3. Adequate health and safety measures;
4. Control laboratories for the analysis and verification of materials received;
5. Housing and administrative facilities for any staff required for the foregoing.

J. The materials made available pursuant to this article shall be used as determined by the Board of Governors in accordance with the provisions of this Statute. No member shall have the right to require that the materials it makes available to the Agency be kept separately by the Agency or to designate the specific project in which they must be used.

Services, equipment, and facilities

Art. 10. Members may make available to the Agency services, equipment, and facilities which may be of assistance in fulfilling the Agency's objectives and functions.

Agency projects

Art. 11. A. Any member or group of members of the Agency desiring to set up any project for research on, or development or practical application of, atomic energy for peaceful purposes may request the assistance of the Agency in securing special fissionable and other materials, services, equipment, and facilities necessary for this purpose. Any such request shall be accompanied by an explanation of the purpose and extent of the project and shall be considered by the Board of Governors.

B. Upon request, the Agency may also assist any member or group of members to make arrangements to secure necessary financing from outside sources to carry out such projects. In extending this assistance, the Agency will not be required to provide any guarantees or to assume any financial responsibility for the project.

C. The Agency may arrange for the supplying of any materials, services, equipment, and facilities necessary for the project by one or more members or may itself undertake to provide any or all of these directly, taking into consideration the wishes of the member or members making the request.

D. For the purpose of considering the request, the Agency may send into the territory of the member or group of members making the request a person or persons qualified to examine the project. For this purpose the Agency may, with the approval of the member or group of members making the request, use members of its own staff or employ suitably qualified nationals of any member.

E. Before approving a project under this article, the Board of Governors shall give due consideration to:

1. The usefulness of the project, including its scientific and technical feasibility;

2. The adequacy of plans, funds, and technical personnel to assure the effective execution of the project;

3. The adequacy of proposed health and safety standards for handling and storing materials and for operating facilities;

4. The inability of the member or group of members making the request to secure the necessary finances, materials, facilities, equipment, and services;

5. The equitable distribution of materials and other resources available to the Agency;

6. The special needs of the under-developed areas of the world; and

7. Such other matters as may be relevant.

F. Upon approving a project, the Agency shall enter into an agreement with the member or group of members submitting the project, which agreement shall:

1. Provide for allocation to the project of any required special fissionable or other materials;

2. Provide for transfer of special fissionable materials from their then place of custody, whether the materials be in the custody of the Agency or of the member making them available for use in Agency projects, to the member or group of members submitting the project, under conditions which ensure the safety of any shipment required and meet applicable health and safety standards;

3. Set forth the terms and conditions, including charges, on which any materials, services, equipment, and facilities are to be provided by the Agency itself, and, if any such materials, services, equipment, and facilities are to be provided by a member, the terms and conditions as arranged for by the member or group of members submitting the projects and the supplying member;

4. Include undertakings by the member or group of members submitting the project: (a) that the assistance provided shall not be used in such a way as to further any military purpose; and (b) that the project shall be subject to the safeguards provided for in article 12, the relevant safeguards being specified in the agreement;

5. Make appropriate provision regarding the rights and interests of the Agency and the member or members concerned in any inventions or discoveries, or any patents therein, arising from the project;

6. Make appropriate provision regarding settlement of disputes;

7. Include such other provisions as may be appropriate.

G. The provisions of this article shall also apply where appropriate to a request for materials, services, facilities, or equipment in connexion with an existing project.

Agency safeguards

Art. 12. A. With respect to any Agency project, or other arrangement where the Agency is requested by the parties concerned to apply safeguards, the Agency shall have the following rights and responsibilities to the extent relevant to the project or arrangement:

1. To examine the design of specialized equipment and facilities, including nuclear reactors, and to approve it only from the viewpoint of assuring that it will not further any military purpose, that it complies with applicable health and safety standards, and that it will permit effective application of the safeguards provided for in this article;

2. To require the observance of any health and safety measures prescribed by the Agency;

3. To require the maintenance and production of operating records to assist in ensuring accountability for source and special fissionable materials used or produced in the project or arrangement;

4. To call for and receive progress reports;

5. To approve the means to be used for the chemical processing of irradiated materials solely to ensure that this chemical processing will not lend itself to diversion of materials for military purposes and will comply with applicable health and safety standards; to require that special fissionable materials recovered or produced as a by-product be used for peaceful purposes under continuing Agency safeguards for research or in reactors, existing or under construction, specified by the member or members concerned; and to require deposit with the Agency of any excess of any special fissionable materials recovered or produced as a by-product over what is needed for the above-stated uses in order to prevent stockpiling of these materials, provided that thereafter at the request of the member or members concerned special fissionable materials so deposited with the Agency shall be returned promptly to the member or members concerned for use under the same provisions as stated above;

6. To send into the territory of the recipient State or States inspectors, designated by the Agency after consultation with the State or States concerned, who shall have access at all times to all places and data and to any person who by reason of his occupation deals with materials, equipment, or facilities which are required by this Statute to be safeguarded, as necessary to account for source and special fissionable materials supplied and fissionable products and to determine whether there is compliance with the undertaking against use in furtherance of any military purpose referred to in sub-paragraph F-4 of article 11, with the health and safety

measures referred to in sub-paragraph A-2 of this article, and with any other conditions prescribed in the agreement between the Agency and the State or States concerned. Inspectors designated by the Agency shall be accompanied by representatives of the authorities of the State concerned, if that State so requests, provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions;

7. In the event of non-compliance and failure by the recipient State or States to take requested corrective steps within a reasonable time, to suspend or terminate assistance and withdraw any materials and equipment made available by the Agency or a member in furtherance of the project.

B. The Agency shall, as necessary, establish a staff of inspectors. The staff of inspectors shall have the responsibility of examining all operations conducted by the Agency itself to determine whether the Agency is complying with the health and safety measures prescribed by it for application to projects subject to its approval, supervision or control, and whether the Agency is taking adequate measures to prevent the source and special fissionable materials in its custody or used or produced in its own operations from being used in furtherance of any military purpose. The Agency shall take remedial action forthwith to correct any non-compliance or failure to take adequate measures.

C. The staff of inspectors shall also have the responsibility of obtaining and verifying the accounting referred to in sub-paragraph A-6 of this article and of determining whether there is compliance with the undertaking referred to in sub-paragraph F-4 of article 11, with the measures referred to in sub-paragraph A-2 of this article, and with all other conditions of the project prescribed in the agreement between the Agency and the State or States concerned. The inspectors shall report any non-compliance to the Director-General who shall thereupon transmit the report to the Board of Governors. The Board shall call upon the recipient State or States to remedy forthwith any non-compliance which it finds to have occurred. The Board shall report the non-compliance to all members and to the Security Council and General Assembly of the United Nations. In the event of failure of the recipient State or States to take fully corrective action within a reasonable time, the Board may take one or both of the following measures: direct curtailment or suspension of assistance being provided by the Agency or by a member, and call for the return of materials and equipment made available to the recipient member or group of members. The Agency may also, in accordance with article 19, suspend any non-complying member from the exercise of the privileges and rights of membership.

Reimbursement of members

Art. 13. Unless otherwise agreed upon between the Board of Governors and the member furnishing to the Agency materials, services, equipment, or facilities, the Board shall enter into an agreement with such member providing for reimbursement for the items furnished.

Finance

Art. 14. A. The Board of Governors shall submit to the General Conference the annual budget estimates for the expenses of the Agency. To facilitate the work of the Board in this regard, the Director-General shall initially, prepare the budget estimates. If the General Conference does not approve the estimates, it shall return them together with its recommendations to the Board. The Board shall then submit further estimates to the General Conference for its approval.

B. Expenditure of the Agency shall be classified under the following categories:

1. Administrative expenses: these shall include:

(a) Costs of the staff of the Agency other than the staff employed in connection with materials, services, equipment, and facilities referred to in sub-paragraph B-2 below; costs of meetings; and expenditures required for the preparation of Agency projects and for the distribution of information;

(b) Costs of implementing the safeguards referred to in article 12 in relation to Agency projects or, under sub-paragraph A-5 of article 3, in relation to any bilateral or multilateral arrangement, together with the costs of handling and storage of special fissionable material by the Agency other than the storage and handling charges referred to in paragraph E below;

2. Expenses, other than those included in sub-paragraph 1 of this paragraph in connection with any materials, facilities, plant, and equipment acquired or established by the Agency in carrying out its authorized functions, and the costs of materials, services, equipment, and facilities provided by it under agreements with one or more members.

C. In fixing the expenditures under sub-paragraph B-1 (b) above, the Board of Governors shall deduct such amounts as are recoverable under agreements regarding the application of safeguards between the Agency and parties to bilateral or multilateral arrangements.

D. The Board of Governors shall apportion the expenses referred to in sub-paragraph B-1 above, among members in accordance with a scale to be fixed by the General Conference. In fixing the scale the General Conference shall be guided by the principles adopted by the United Nations in assessing contributions of Member States to the regular budget of the United Nations.

E. The Board of Governors shall establish periodically a scale of charges, including reasonable uniform storage and handling charges, for materials, services, equipment, and facilities furnished to members by the Agency. The scale shall be designed to produce revenues for the Agency adequate to meet the expenses and costs referred to in sub-paragraph B-2 above, less any voluntary contributions which the Board of Governors may, in accordance with paragraph F, apply for this purpose. The proceeds of such charges shall be placed in a separate fund which shall be used to pay members for any materials, services, equipment, or facilities furnished by them and to meet other expenses referred to in sub-paragraph B-2 above which may be incurred by the Agency itself.

F. Any excess of revenues referred to in paragraph E over the expenses and costs there referred to, and any voluntary contributions to the Agency, shall be placed in a general fund which may be used as the Board of Governors, with the approval of the General Conference, may determine.

G. Subject to rules and limitations approved by the General Conference, the Board of Governors shall have the authority to exercise borrowing powers on behalf of the Agency without, however, imposing on members of the Agency any liability in respect of loans entered into pursuant to this authority, and to accept voluntary contributions made to the Agency.

H. Decisions of the General Conference on financial questions and of the Board of Governors on the amount of the Agency's budget shall require a two-thirds majority of those present and voting.

Privileges and immunities

Art. 15. A. The Agency shall enjoy in the territory of each member such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

B. Delegates of members together with their alternates and advisers, Governors appointed to the Board together with their alternates and advisers, and the Director-General and the staff of the Agency, shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connexion with the Agency.

C. The legal capacity, privileges, and immunities referred to in this article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director-General acting under instructions of the Board of Governors, and the members.

Relationship with other organizations

Art. 16. A. The Board of Governors, with the approval of the General Conference, is authorized to enter into an agreement or agreements establishing an appropriate relationship between the Agency and the United Nations and any other organizations the work of which is related to that of the Agency.

B. The agreement or agreements establishing the relationship of the Agency and the United Nations shall provide for:

1. Submission by the Agency of reports as provided for in subparagraphs B-4 and B-5 of article 3;

2. Consideration by the Agency of resolutions relating to it adopted by the General Assembly or any of the Councils of the United Nations and the submission of reports, when requested, to the appropriate organ of the United Nations on the action taken by the Agency or by its members in accordance with this Statute as a result of such consideration.

Settlement of disputes

Art. 17. A. Any question or dispute concerning the interpretation or application of this Statute which is not settled by negotiation shall be referred to the International Court of Justice in conformity with the

Statute of the Court, unless the parties concerned agree on another mode of settlement.

B. The General Conference and the Board of Governors are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the Agency's activities.

Amendments and withdrawals

Art. 18. A. Amendments to this Statute may be proposed by any member. Certified copies of the text of any amendment proposed shall be prepared by the Director General and communicated by him to all members at least ninety days in advance of its consideration by the General Conference.

B. At the fifth annual session of the General Conference following the coming into force of this Statute, the question of a general review of the provisions of this Statute shall be placed on the agenda of that session. On approval by a majority of the members present and voting, the review will take place at the following General Conference. Thereafter, proposals on the question of a general review of this Statute may be submitted for decision by the General Conference under the same procedure.

C. Amendments shall come into force for all members when:

(i) Approved by the General Conference by a two-thirds majority of those present and voting after consideration of observations submitted by the Board of Governors on each proposed amendment, and

(ii) Accepted by two-thirds of all the members in accordance with their respective constitutional processes. Acceptance by a member shall be effected by the deposit of an instrument of acceptance with the depositary Government referred to in paragraph C of article 21.

D. At any time after five years from the date when this Statute shall take effect in accordance with paragraph E of article 21 or whenever a member is unwilling to accept an amendment to this Statute, it may withdraw from the Agency by notice in writing to that effect given to the depositary Government referred to in paragraph C of article 21, which shall promptly inform the Board of Governors and all members.

E. Withdrawal by a member from the Agency shall not affect its contractual obligations entered into pursuant to article 21 or its budgetary obligations for the year in which it withdraws.

Suspension of privileges

Art. 19. A. A member of the Agency which is in arrears in the payment of its financial contributions to the Agency shall have no vote in the Agency if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two years. The General Conference may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. A member which has persistently violated the provisions of this Statute or of any agreement entered into by it pursuant to this Statute may be suspended from the exercise of the privileges and rights of membership by the General Conference acting by a two-thirds majority of the members present and voting upon recommendation by the Board of Governors.

Definitions

Art. 20. As used in this Statute:

1. The term "special fissionable material" means plutonium-239; uranium-233; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing; and such other fissionable material as the Board of Governors shall from time to time determine; but the term "special fissionable material" does not include source material.

2. The term "uranium enriched in the isotopes 235 or 233" means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. The term "source material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

Signature, acceptance, and entry into force

Art. 21. A. This Statute shall be open for signature on 26 October 1956 by all States Members of the United Nations or of any of the specialized agencies and shall remain open for signature by those States for a period of ninety days.

B. The signatory States shall become parties to this Statute by deposit of an instrument of ratification.

C. Instruments of ratification by signatory States and instruments of acceptance by States whose membership has been approved under paragraph B of article 4 of this Statute shall be deposited with the Government of the United States of America, hereby designated as depositary Government.

D. Ratification or acceptance of this Statute shall be effected by States in accordance with their respective constitutional processes.

E. This Statute, apart from the Annex, shall come into force when eighteen States have deposited instruments of ratification in accordance with paragraph B of this article, provided that such eighteen States shall include at least three of the following States: Canada, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Instruments of

ratification and instruments of acceptance deposited thereafter shall take effect on the date of their receipt.

F. The depositary Government shall promptly inform all States signatory to this Statute of the date of each deposit of ratification and the date of entry into force of the Statute. The depositary Government shall promptly inform all signatories and members of the dates on which States subsequently become parties thereto.

G. The Annex to this Statute shall come into force on the first day this Statute is open for signature.

Registration with the United Nations

Art. 22. A. This Statute shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

B. Agreements between the Agency and any member or members, agreements between the Agency and any other organization or organizations, and agreements between members subject to approval of the Agency, shall be registered with the Agency. Such agreements shall be registered by the Agency with the United Nations if registration is required under Article 102 of the Charter of the United Nations.

Authentic texts and certified copies

Art. 23. This Statute, done in the Chinese, English, French, Russian and Spanish languages, each being equally authentic, shall be deposited in the archives of the depositary Government. Duly certified copies of this Statute shall be transmitted by the depositary Government to the Governments of the other signatory States and to the Governments of States admitted to membership under paragraph B of article 4.

In witness whereof the undersigned, duly authorized, have signed this Statute.

Done at the Headquarters of the United Nations, this twenty-sixth day of October, one thousand nine hundred and fifty-six.

Annex I. Preparatory Commission

(not reproduced)

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Bank is a Specialized Agency of the United Nations. Its Articles of Agreement were accepted on December 27, 1945, following a Conference of representatives of 44 states at Bretton Woods, New Hampshire, in July 1944 on monetary matters. The Final Act of the Conference, which was signed by representatives of all the states present, had attached, as Annex B, the proposed Articles of Agreement of the International Bank for Reconstruction and Development. The Agreement came into force on the day of signature of 28 States, December 27, 1945, whose minimum subscriptions comprised not less than 65% of the total.¹

A member may withdraw at any time and its withdrawal is effective upon receipt by the Bank of written notice to that effect.² The Bank, by a majority vote of the voting power of the Governors, may suspend membership if a member fails to fulfill its obligations to the Bank.³ Any member which ceases to be a member of the International Monetary Fund automatically ceases after three months to be a member of the Bank unless the Bank by three-fourths of the total voting power agrees to allow it to remain a member.⁴

Membership in the Bank is open to members of the International Monetary Fund in accordance with terms prescribed by the Bank.⁵

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Bank possesses "judicial personality" and may contract, acquire and dispose of property and institute legal proceedings.⁶ It has the usual privileges and immunities.⁷

¹ Articles of Agreement, Art. 11.

² Id., Art. 6(1)

³ Id., Art. 6(2).

⁴ Id., Art. 6(3).

⁵ Id., Art. 2.

⁶ Id., Art. 7(2).

⁷ Id., Art. 7 (4, 6, 9).

The purposes of the Bank as stated in article 1 of the Articles of Agreement are: to assist in the reconstruction and development of territories of members by facilitating investment, to promote private foreign investment by guarantees or participations in loans and other investments by private investors and to supplement private investment by providing, on suitable conditions, finance for productive purposes out of its own capital, funds raised by it, and its other resources, to promote the long-range balanced growth of international trade and the maintenance of equilibrium in balances of payments by encouraging international investment for the development of the productive resources of members and to arrange the loans made or guaranteed by it in relation to other international loans so that the more useful and urgent projects will be dealt with first.

Conditions are prescribed for the guaranteeing and making of loans and for its operations.¹

There are detailed provisions regarding the currencies and exchange of currencies in connection with subscriptions and loans, interest and amortization payments.² Loans are subject to appropriate commitment, interest, and commission charges. In connection with the guarantees, the Bank charges a commission.³

The Bank may guarantee, participate in, or make loans to any member or any political subdivision thereof, and to any business, industrial, and agricultural enterprise in the territories of a member, subject to certain conditions but dealings with the Bank must be through a member's Treasury, Central Bank or similar fiscal agency who must also guarantee loans where the member itself is not the borrower.⁴

ORGANS

The organs are:

(1) A Board of Governors, composed of one governor and one alternate appointed by each member for a term of five years, with a system of weighted voting.⁵

(2) Executive Directors, five appointed, one each, by the five members having the largest number of shares, and seven elected by all the Governors other than those appointed by the five members having the largest number of shares.⁶

(3) A President and Staff.⁷

There is also an Advisory Council and Loan Committees⁸ and, founded in 1956, an Economic Development Institute.

¹ Id., Art. 3.

² Id., Art. 4(3).

³ Id., Art. 3(4).

⁴ Id., Art. 3 (2, 4).

⁵ Id., Art. 5 (2, 3).

⁶ Id., Art. 5(4).

⁷ Id., Art. 5(5).

⁸ Id., Art. 5 (6, 7).

MEMBERSHIP

The members are Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea, Lebanon, Libya, Luxembourg, Malaya, Mexico, Morocco, Netherlands, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Vietnam, Yugoslavia.

Cuba, Czechoslovakia, Dominican Republic and Poland have ceased to be members.

MEANS OF FINANCIAL SUPPORT

The authorized capital of twenty one billion United States dollars¹ is available for subscription only by members. The Bank is supported by income from current banking operations including interest on loans, commissions, and fees. In the fiscal year ended June 30, 1959 its net earnings were about \$ 70,000,000 which were credited to reserve accounts.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Bank is a Specialized Agency of the United Nations under an Agreement which came into force on November 15, 1947. It has relations with other Specialized Agencies, particularly the International Monetary Fund, with the Bank for International Settlements, the OAS, OEEC and the Colombo Plan. It has two affiliate organizations, the International Finance Corporation and the International Development Association.

HEADQUARTERS

Its headquarters are at 1818 H. Street N.W., in Washington, D.C.

¹ Its original authorized capital was ten billion U.S. dollars (Art. 2 (2)).

ARTICLES OF AGREEMENT OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

December 22, 1945

The Governments on whose behalf the present Agreement is signed agree as follows:

Introductory Article

The International Bank for Reconstruction and Development is established and shall operate in accordance with the following provisions:

Purposes

Art. 1. The purposes of the Bank are:

(i) To assist in the reconstruction and development of territories of members by facilitating the investment of capital for productive purposes, including the restoration of economies destroyed or disrupted by war, the reconversion of productive facilities to peacetime needs and the encouragement of the development of productive facilities and resources in less developed countries.

(ii) To promote private foreign investment by means of guarantees or participations in loans and other investments made by private investors; and when private capital is not available on reasonable terms, to supplement private investment by providing, on suitable conditions, finance for productive purposes out of its own capital, funds raised by it and its other resources.

(iii) To promote the long-range balanced growth of international trade and the maintenance of equilibrium in balances of payments by encouraging international investment for the development of the productive resources of members, thereby assisting in raising productivity, the standard of living and conditions of labor in their territories.

(iv) To arrange the loans made or guaranteed by it in relation to international loans through other channels so that the more useful and urgent projects, large and small alike, will be dealt with first.

(v) To conduct its operations with due regard to the effect of international investment on business conditions in the territories of members and, in the immediate postwar years, to assist in bringing about a smooth transition from a wartime to a peacetime economy.

The Bank shall be guided in all its decisions by the purposes set forth above.

Membership in and Capital of the Bank

Art. 2. Section 1. Membership

(a) The original members of the Bank shall be those members of the

¹ As published by the Bank.

(Art. 2, *contin.*)

International Monetary Fund which accept membership in the Bank before the date specified in Article XI, Section 2 (e).

(b) Membership shall be open to other members of the Fund, at such times and in accordance with such terms as may be prescribed by the Bank.

Section 2. Authorized capital

(a) The authorized capital stock of the Bank shall be \$ 10,000,000,000, in terms of United States dollars of the weight and fineness in effect on July 1, 1944. The capital stock shall be divided into 100,000 shares having a par value of \$ 100,000 each, which shall be available for subscription only by members.

(b) The capital stock may be increased when the Bank deems it advisable by a three-fourths majority of the total voting power.

Section 3. Subscription of shares

(a) Each member shall subscribe shares of the capital stock of the Bank. The minimum number of shares to be subscribed by the original members shall be those set forth in Schedule A. The minimum number of shares to be subscribed by other members shall be determined by the Bank, which shall reserve a sufficient portion of its capital stock for subscription by such members.

(b) The Bank shall prescribe rules laying down the conditions under which members may subscribe shares of the authorized capital stock of the Bank in addition to their minimum subscriptions.

(c) If the authorized capital stock of the Bank is increased, each member shall have a reasonable opportunity to subscribe, under such conditions as the Bank shall decide, a proportion of the increase of stock equivalent to the proportion which its stock theretofore subscribed bears to the total capital stock of the Bank, but no member shall be obligated to subscribe any part of the increased capital.

Section 4. Issue price of shares

Shares included in the minimum subscriptions of original members shall be issued at par. Other shares shall be issued at par unless the Bank by a majority of the total voting power decides in special circumstances to issue them on other terms.

Section 5. Division and calls of subscribed capital

The subscription of each member shall be divided into two parts as follows:

(i) twenty percent shall be paid or subject to call under Section 7 (i) of this Article as needed by the Bank for its operations;

(ii) the remaining eighty percent shall be subject to call by the Bank only when required to meet obligations of the Bank created under Article 4, Sections 1 (a) (ii) and (iii).

Calls on unpaid subscriptions shall be uniform on all shares.

(Art. 2, *contin.*)

Section 6. Limitation on liability

Liability on shares shall be limited to the unpaid portion of the issue price of the shares.

Section 7. Method of payment of subscriptions for shares

Payment of subscriptions for shares shall be made in gold or United States dollars and in the currencies of the members as follows:

(i) under Section 5 (i) of this Article, two percent of the price of each share shall be payable in gold or United States dollars, and, when calls are made, the remaining eighteen percent shall be paid in the currency of the member;

(ii) when a call is made under Section 5 (ii) of this Article, payment may be made at the option of the member either in gold, in United States dollars or in the currency required to discharge the obligations of the Bank for the purpose for which the call is made;

(iii) when a member makes payments in any currency under (i) and (ii) above, such payments shall be made in amounts equal in value to the member's liability under the call. This liability shall be a proportionate part of the subscribed capital stock of the Bank as authorized and defined in Section 2 of this Article.

Section 8. Time of payment of subscriptions

(a) The two percent payable on each share in gold or United States dollars under Section 7 (i) of this Article, shall be paid within sixty days of the date on which the Bank begins operations, provided that

(i) any original member of the Bank whose metropolitan territory has suffered from enemy occupation or hostilities during the present war shall be granted the right to postpone payment of one-half percent until five years after that date;

(ii) an original member who cannot make such a payment because it has not recovered possession of its gold reserves which are still seized or immobilized as a result of the war may postpone all payment until such date as the Bank shall decide.

(b) The remainder of the price of each share payable under Section 7 (i) of this Article shall be paid as and when called by the Bank, provided that

(i) the Bank shall, within one year of its beginning operations, call not less than eight percent of the price of the share in addition to the payment of two percent referred to in (a) above;

(ii) not more than five percent of the price of the share shall be called in any period of three months.

Section 9. Maintenance of value of certain currency holdings of the Bank

(a) Whenever (i) the par value of a member's currency is reduced, or (ii) the foreign exchange value of a member's currency has, in the opinion of the Bank, depreciated to a significant extent within that member's territories, the member shall pay to the Bank within a reasonable time an additional amount of its own currency sufficient to maintain the value, as of the time of initial subscription, of the amount of the currency of such member which is held by the Bank and derived from currency originally paid in to the Bank by the member under Article II, Section 7 (i), from currency referred to in Article IV, Section 2 (b); or from any additional

(*Art. 2, contin.*)

currency furnished under the provisions of the present paragraph, and which has not been repurchased by the member for gold or for the currency of any member which is acceptable to the Bank.

(b) Whenever the par value of a member's currency is increased, the Bank shall return to such member within a reasonable time an amount of that member's currency equal to the increase in the value of the amount of such currency described in (a) above.

(c) The provisions of the preceding paragraphs may be waived by the Bank when a uniform proportionate change in the par values of the currencies of all its members is made by the International Monetary Fund.

Section 10. Restriction on disposal of shares

Shares shall not be pledged or encumbered in any manner whatever and they shall be transferable only to the Bank.

General Provisions Relating to Loans and Guarantees

Art. 3. Section 1. Use of resources

(a) The resources and the facilities of the Bank shall be used exclusively for the benefit of members with equitable consideration to projects for development and projects for reconstruction alike.

(b) For the purpose of facilitating the restoration and reconstruction of the economy of members whose metropolitan territories have suffered great devastation from enemy occupation or hostilities, the Bank, in determining the conditions and terms of loans made to such members, shall pay special regard to lightening the financial burden and expediting the completion of such restoration and reconstruction.

Section 2. Dealings between members and the Bank

Each member shall deal with the Bank only through its Treasury, central bank, stabilization fund or other similar fiscal agency, and the Bank shall deal with members only by or through the same agencies.

Section 3. Limitations on guarantees and borrowings of the Bank

The total amount outstanding of guarantees, participations in loans and direct loans made by the Bank shall not be increased at any time, if by such increase the total would exceed one hundred percent of the unimpaired subscribed capital, reserves and surplus of the Bank.

Section 4. Conditions on which the Bank may guarantee or make loans

The Bank may guarantee, participate in, or make loans to any member or any political sub-division thereof and any business, industrial, and agricultural enterprise in the territories of a member, subject to the following conditions:

(i) When the member in whose territories the project is located is not itself the borrower, the member or the central bank or some comparable agency of the member which is acceptable to the Bank, fully guarantees the repayment of the principal and the payment of interest and other charges on the loan.

(*Art. 3, contin.*)

(ii) The Bank is satisfied that in the prevailing market conditions the borrower would be unable otherwise to obtain the loan under conditions which in the opinion of the Bank are reasonable for the borrower.

(iii) A competent committee, as provided for in Article V, Section 7, has submitted a written report recommending the project after a careful study of the merits of the proposal.

(iv) In the opinion of the Bank the rate of interest and other charges are reasonable and such rate, charges and the schedule for repayment of principal are appropriate to the project.

(v) In making or guaranteeing a loan, the Bank shall pay due regard to the prospects that the borrower, and, if the borrower is not a member, that the guarantor, will be in position to meet its obligations under the loan; and the Bank shall act prudently in the interests both of the particular member in whose territories the project is located and of the members as a whole.

(vi) In guaranteeing a loan made by other investors, the Bank receives suitable compensation for its risk.

(vii) Loans made or guaranteed by the Bank shall, except in special circumstances, be for the purpose of specific projects of reconstruction or development.

Section 5. Use of loans guaranteed, participated in or made by the Bank

(a) The Bank shall impose no conditions that the proceeds of a loan shall be spent in the territories of any particular member or members.

(b) The Bank shall make arrangements to ensure that the proceeds of any loan are used only for the purposes for which the loan was granted, with due attention to considerations of economy and efficiency and without regard to political or other non-economic influences or considerations.

(c) In the case of loans made by the Bank, it shall open an account in the name of the borrower and the amount of the loan shall be credited to this account in the currency or currencies in which the loan is made. The borrower shall be permitted by the Bank to draw on this account only to meet expenses in connection with the project as they are actually incurred.

Operations

Art. 4. Section 1. Methods of making or facilitating loans

(a) The Bank may make or facilitate loans which satisfy the general conditions of Article 3 in any of the following ways:

(i) By making or participating in direct loans out of its own funds corresponding to its unimpaired paid-up capital and surplus and, subject to Section 6 of this Article, to its reserves.

(ii) By making or participating in direct loans out of funds raised in the market of a member, or otherwise borrowed by the Bank.

(iii) By guaranteeing in whole or in part loans made by private investors through the usual investment channels.

(b) The Bank may borrow funds under (a) (ii) above or guarantee loans under (a) (iii) above only with the approval of the member in whose markets the funds are raised and the member in whose currency the loan is denominated, and only if those members agree that the proceeds may be exchanged for the currency of any other member without restriction.

(Art. 4, *contin.*)

Section 2. Availability and transferability of currencies

(a) Currencies paid into the Bank under Article 2, Section 7 (1) shall be loaned only with the approval in each case of the member whose currency is involved; provided, however, that if necessary, after the Bank's subscribed capital has been entirely called, such currencies shall, without restriction by the members whose currencies are offered, be used or exchanged for the currencies required to meet contractual payments of interest, other charges or amortization on the Bank's own borrowings, or to meet the Bank's liabilities with respect to such contractual payments on loans guaranteed by the Bank.

(b) Currencies received by the Bank from borrowers or guarantors in payment on account of principal of direct loans made with currencies referred to in (a) above shall be exchanged for the currencies of other members or reloaned only with the approval in each case of the members whose currencies are involved; provided, however, that if necessary after the Bank's subscribed capital has been entirely called, such currencies shall, without restriction by the members whose currencies are offered, be used or exchanged for the currencies required to meet contractual payments of interest, other charges or amortization on the Bank's own borrowings, or to meet the Bank's liabilities with respect to such contractual payments on loans guaranteed by the Bank.

(c) Currencies received by the Bank from borrowers or guarantors in payment on account of principal of direct loans made by the Bank under Section 1 (a) (ii) of this Article, shall be held and used, without restriction by the members, to make amortization payments or to anticipate payment of or repurchase part or all of the Bank's own obligations.

(d) All other currencies available to the Bank, including those raised in the market or otherwise borrowed under Section 1 (a) (ii) of this Article, those obtained by the sale of gold, those received as payments of interest and other charges for direct loans made under Sections 1 (a) (i) and (ii), and those received as payments of commissions and other charges under Section 1 (a) (iii), shall be used or exchanged for other currencies or gold required in the operations of the Bank without restriction by the members whose currencies are offered.

(e) Currencies raised in the markets of members by borrowers on loans guaranteed by the Bank under Section 1 (a) (iii) of this Article, shall also be used or exchanged for other currencies without restriction by such members.

Section 3. Provision of currencies for direct loans

The following provisions shall apply to direct loans under Sections 1 (a) (i) and (ii) of this Article:

(a) The Bank shall furnish the borrower with such currencies of members, other than the member in whose territories the project is located, as are needed by the borrower for expenditures to be made in the territories of such other members to carry out the purposes of the loan.

(b) The Bank may, in exceptional circumstances when local currency

(Art. 4, *contin.*)

required for the purposes of the loan cannot be raised by the borrower on reasonable terms, provide the borrower as part of the loan with an appropriate amount of that currency.

(c) The Bank, if the project gives rise indirectly to an increased need for foreign exchange by the member in whose territories the project is located, may in exceptional circumstances provide the borrower as part of the loan with an appropriate amount of gold or foreign exchange not in excess of the borrower's local expenditure in connection with the purposes of the loan.

(d) The Bank may, in exceptional circumstances, at the request of a member in whose territories a portion of the loan is spent, repurchase with gold or foreign exchange a part of that member's currency thus spent but in no case shall the part so repurchased exceed the amount by which the expenditure of the loan in those territories gives rise to an increased need for foreign exchange.

Section 4. Payment provisions for direct loans

Loan contracts under Section 1 (a) (i) or (ii) of this Article shall be made in accordance with the following payment provisions:

(a) The terms and conditions of interest and amortization payments, maturity and dates of payment of each loan shall be determined by the Bank. The Bank shall also determine the rate and any other terms and conditions of commission to be charged in connection with such loan.

In the case of loans made under Section 1 (a) (ii) of this Article during the first ten years of the Bank's operations, this rate of commission shall be not less than one percent per annum and not greater than one and one-half percent per annum, and shall be charged on the outstanding portion of any such loan. At the end of this period of ten years, the rate of commission may be reduced by the Bank with respect both to the outstanding portions of loans already made and to future loans, if the reserves accumulated by the Bank under Section 6 of this Article and out of other earnings are considered by it sufficient to justify a reduction. In the case of future loans the Bank shall also have discretion to increase the rate of commission beyond the above limit, if experience indicates that an increase is advisable.

(b) All loan contracts shall stipulate the currency or currencies in which payments under the contract shall be made to the Bank. At the option of the borrower, however, such payments may be made in gold, or subject to the agreement of the Bank, in the currency of a member other than that prescribed in the contract.

(i) In the case of loans made under Section 1 (a) (i) of this Article, the loan contracts shall provide that payments to the Bank of interest, other charges and amortization shall be made in the currency loaned, unless the member whose currency is loaned agrees that such payments shall be made in some other specified currency or currencies. These payments, subject to the provisions of Article 2, Section 9 (c), shall be equivalent to the value of such contractual payments at the time the loans were made, in terms of a currency specified for the purpose by the Bank by a three-fourths majority of the total voting power.

(ii) In the case of loans made under Section 1 (a) (ii) of this Article, the

(Art. 4, contin.)

total amount outstanding and payable to the Bank in any one currency shall at no time exceed the total amount of the outstanding borrowings made by the Bank under Section 1 (a) (u) and payable in the same currency.

(c) If a member suffers from an acute exchange stringency, so that the service of any loan contracted by that member or guaranteed by it or by one of its agencies cannot be provided in the stipulated manner, the member concerned may apply to the Bank for a relaxation of the conditions of payment. If the Bank is satisfied that some relaxation is in the interests of the particular member and of the operations of the Bank and of its members as a whole, it may take action under either, or both of the following paragraphs with respect to the whole, or part, of the annual service:

(i) The Bank may, in its discretion, make arrangements with the member concerned to accept service payments on the loan in the member's currency for periods not to exceed three years upon appropriate terms regarding the use of such currency and the maintenance of its foreign exchange value; and for the repurchase of such currency on appropriate terms

(ii) The Bank may modify the terms of amortization or extend the life of the loan, or both.

Section 5. Guarantees

(a) In guaranteeing a loan placed through the usual investment channels the Bank shall charge a guarantee commission payable periodically on the amount of the loan outstanding at a rate determined by the Bank. During the first ten years of the Bank's operations, this rate shall be not less than one percent per annum and not greater than one and one-half percent per annum. At the end of this period of ten years, the rate of commission may be reduced by the Bank with respect both to the outstanding portions of loans already guaranteed and to future loans if the reserves accumulated by the Bank under Section 6 of this Article and out of other earnings are considered by it sufficient to justify a reduction. In the case of future loans the Bank shall also have discretion to increase the rate of commission beyond the above limit, if experience indicates that an increase is advisable.

(b) Guarantee commissions shall be paid directly to the Bank by the borrower.

(c) Guarantees by the Bank shall provide that the Bank may terminate its liability with respect to interest if, upon default by the borrower and by the guarantor, if any, the Bank offers to purchase, at par and interest accrued to a date designated in the offer, the bonds or other obligations guaranteed.

(d) The Bank shall have power to determine any other terms and conditions of the guarantee.

Section 6. Special reserve

The amount of commissions received by the Bank under Sections 4 and 5 of this Article shall be set aside as a special reserve, which shall be kept available for meeting liabilities of the Bank in accordance with Section

(Art. 4, *contin.*)

7 of this Article. The special reserve shall be held in such liquid form, permitted under this Agreement, as the Executive Directors may decide.

Section 7. Methods of meeting liabilities of the Bank in case of defaults

In case of default on loans made, participated in, or guaranteed by the Bank:

(a) The Bank shall make such arrangements as may be feasible to adjust the obligations under the loans, including arrangements under or analogous to those provided in Section 4 (c) of this Article.

(b) The payments in discharge of the Bank's liabilities on borrowings or guarantees under Section 1 (a) (ii) and (iii) of this Article shall be charged:

(i) first, against the special reserve provided in Section 6 of this Article.

(ii) then, to the extent necessary and at the discretion of the Bank, against the other reserves, surplus and capital available to the Bank.

(c) Whenever necessary to meet contractual payments of interest, other charges or amortization on the Bank's own borrowings, or to meet the Bank's liabilities with respect to similar payments on loans guaranteed by it, the Bank may call an appropriate amount of the unpaid subscriptions of members in accordance with Article 2, Sections 5 and 7. Moreover if it believes that a default may be of long duration, the Bank may call an additional amount of such unpaid subscriptions not to exceed in any one year one percent of the total subscriptions of the members for the following purposes:

(i) To redeem prior to maturity, or otherwise discharge its liability on, all or part of the outstanding principal of any loan guaranteed by it in respect of which the debtor is in default.

(ii) To repurchase, or otherwise discharge its liability on, all or part of its own outstanding borrowings.

Section 8. Miscellaneous operations

In addition to the operations specified elsewhere in this Agreement, the Bank shall have the power:

(i) To buy and sell securities it has issued and to buy and sell securities which it has guaranteed or in which it has invested, provided that the Bank shall obtain the approval of the member in whose territories the securities are to be bought or sold.

(ii) To guarantee securities in which it has invested for the purpose of facilitating their sale.

(iii) To borrow the currency of any member with the approval of that member.

(iv) To buy and sell such other securities as the Directors by a three-fourths majority of the total voting power may deem proper for the investment of all or part of the special reserve under Section 6 of this Article.

In exercising the powers conferred by this Section, the Bank may deal with any person, partnership, association, corporation or other legal entity in the territories of any member.

Section 9. Warning to be placed on securities

Every security guaranteed or issued by the Bank shall bear on its face a

(*Art. 4, contin.*)

conspicuous statement to the effect that it is not an obligation of any government unless expressly stated on the security.

Section 10. Political activity prohibited

The Bank and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purposes stated in Article 1.

Organization and Management

Art. 5. Section 1. Structure of the Bank

The Bank shall have a Board of Governors, Executive Directors, a President and such other officers and staff to perform such duties as the Bank may determine.

Section 2. Board of Governors

(a) All the powers of the Bank shall be vested in the Board of Governors consisting of one governor and one alternate appointed by each member in such manner as it may determine. Each governor and each alternate shall serve for five years, subject to the pleasure of the member appointing him, and may be reappointed. No alternate may vote except in the absence of his principal. The Board shall select one of the governors as Chairman.

(b) The Board of Governors may delegate to the Executive Directors authority to exercise any powers of the Board, except the power to:

- (i) Admit new members and determine the conditions of their admission;
- (ii) Increase or decrease the capital stock;
- (iii) Suspend a member;
- (iv) Decide appeals from interpretations of this Agreement given by the Executive Directors;
- (v) Make arrangements to co-operate with other international organizations (other than informal arrangements of a temporary and administrative character);
- (vi) Decide to suspend permanently the operations of the Bank and to distribute its assets;
- (vii) Determine the distribution of the net income of the Bank.

(c) The Board of Governors shall hold an annual meeting and such other meetings as may be provided for by the Board or called by the Executive Directors. Meetings of the Board shall be called by the Directors whenever requested by five members or by members having one-quarter of the total voting power.

(d) A quorum for any meeting of the Board of Governors shall be a majority of the Governors, exercising not less than two-thirds of the total voting power.

(e) The Board of Governors may by regulation establish a procedure whereby the Executive Directors, when they deem such action to be in the best interests of the Bank, may obtain a vote of the Governors on a specific question without calling a meeting of the Board.

(*Art. 5, contin.*)

(f) The Board of Governors, and the Executive Directors to the extent authorized, may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Bank.

(g) Governors and alternates shall serve as such without compensation from the Bank, but the Bank shall pay them reasonable expenses incurred in attending meetings.

(h) The Board of Governors shall determine the remuneration to be paid to the Executive Directors and the salary and terms of the contract of service of the President.

Section 3. Voting

(a) Each member shall have two hundred fifty votes plus one additional vote for each share of stock held.

(b) Except as otherwise specifically provided, all matters before the Bank shall be decided by a majority of the votes cast.

Section 4. Executive Directors

(a) The Executive Directors shall be responsible for the conduct of the general operations of the Bank, and for this purpose, shall exercise all the powers delegated to them by the Board of Governors.

(b) There shall be twelve Executive Directors, who need not be governors and of whom:

(i) five shall be appointed, one by each of the five members having the largest number of shares;

(ii) seven shall be elected according to Schedule B by all the Governors other than those appointed by the five members referred to in (i) above.

For the purpose of this paragraph, "members" means governments of countries whose names are set forth in Schedule A, whether they are original members or become members in accordance with Article 2, Section 1 (b). When governments of other countries become members, the Board of Governors may, by a four-fifths majority of the total voting power, increase the total number of directors by increasing the number of directors to be elected.

Executive directors shall be appointed or elected every two years.

(c) Each executive director shall appoint an alternate with full power to act for him when he is not present. When the executive directors appointing them are present, alternates may participate in meetings but shall not vote.

(d) Directors shall continue in office until their successors are appointed or elected. If the office of an elected director becomes vacant more than ninety days before the end of his term, another director shall be elected for the remainder of the term by the governors who elected the former director. A majority of the votes cast shall be required for election. While the office remains vacant, the alternate of the former director shall exercise his powers, except that of appointing an alternate.

(e) The Executive Directors shall function in continuous session at the principal office of the Bank and shall meet as often as the business of the Bank may require.

(*Art. 5, contin.*)

(f) A quorum for any meeting of the Executive Directors shall be a majority of the Directors, exercising not less than one-half of the total voting power.

(g) Each appointed director shall be entitled to cast the number of votes allotted under Section 3 of this Article to the member appointing him. Each elected director shall be entitled to cast the number of votes which counted toward his election. All the votes which a director is entitled to cast shall be cast as a unit.

(h) The Board of Governors shall adopt regulations under which a member not entitled to appoint a director under (b) above may send a representative to attend any meeting of the Executive Directors when a request made by, or a matter particularly affecting, that member is under consideration.

(i) The Executive Directors may appoint such committees as they deem advisable. Membership of such committees need not be limited to governors or directors or their alternates.

Section 5. President and staff

(a) The Executive Directors shall select a President who shall not be a governor or an executive director or an alternate for either. The President shall be Chairman of the Executive Directors, but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Board of Governors, but shall not vote at such meetings. The President shall cease to hold office when the Executive Directors so decide.

(b) The President shall be chief of the operating staff of the Bank and shall conduct, under the direction of the Executive Directors, the ordinary business of the Bank. Subject to the general control of the Executive Directors, he shall be responsible for the organization, appointment and dismissal of the officers and staff.

(c) The President, officers and staff of the Bank, in the discharge of their offices, owe their duty entirely to the Bank and to no other authority. Each member of the Bank shall respect the international character of this duty and shall refrain from all attempts to influence any of them in the discharge of their duties.

(d) In appointing the officers and staff the President shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of recruiting personnel on as wide a geographical basis as possible.

Section 6. Advisory Council

(a) There shall be an Advisory Council of not less than seven persons selected by the Board of Governors including representatives of banking, commercial, industrial, labor, and agricultural interests, and with as wide a national representation as possible. In those fields where specialized international organizations exist, the members of the Council representative of those fields shall be selected in agreement with such organizations. The Council shall advise the Bank on matters of general policy. The

(*Art. 5, contin.*)

Council shall meet annually and on such other occasions as the Bank may request.

(b) Councillors shall serve for two years and may be reappointed. They shall be paid their reasonable expenses incurred on behalf of the Bank.

Section 7. Loan Committees

The committees required to report on loans under Article 3, Section 4, shall be appointed by the Bank. Each such committee shall include an expert selected by the governor representing the member in whose territories the project is located and one or more members of the technical staff of the Bank.

Section 8. Relationship to other international organizations

(a) The Bank, within the terms of this Agreement, shall co-operate with any general international organization and with public international organizations having specialized responsibilities in related fields. Any arrangements for such co-operation which would involve a modification of any provision of this Agreement may be affected only after amendment to this Agreement under Article 8.

(b) In making decisions on applications for loans or guarantees relating to matters directly within the competence of any international organization of the types specified in the preceding paragraph and participated in primarily by members of the Bank, the Bank shall give consideration to the views and recommendations of such organization.

Section 9. Location of offices

(a) The principal office of the Bank shall be located in the territory of the member holding the greatest number of shares.

(b) The Bank may establish agencies or branch offices in the territories of any member of the Bank.

Section 10. Regional offices and councils

(a) The Bank may establish regional offices and determine the location of, and the areas to be covered by, each regional office.

(b) Each regional office shall be advised by a regional council representative of the entire area and selected in such manner as the Bank may decide.

Section 11. Depositories

(a) Each member shall designate its central bank as a depository for all the Bank's holdings of its currency or, if it has no central bank, it shall designate such other institution as may be acceptable to the Bank.

(b) The Bank may hold other assets, including gold, in depositories designated by the five members having the largest number of shares and in such other designated depositories as the Bank may select. Initially, at least one-half of the gold holdings of the Bank shall be held in the depository designated by the member in whose territory the Bank has its principal office, and at least forty percent shall be held in the depositories designated by the remaining four members referred to above, each of

(*Art. 5, contin.*)

such depositories to hold, initially, not less than the amount of gold paid on the shares of the member designating it. However, all transfers of gold by the Bank shall be made with due regard to the costs of transport and anticipated requirements of the Bank. In an emergency the Executive Directors may transfer all or any part of the Bank's gold holdings to any place where they can be adequately protected.

Section 12. Form of holdings of currency

The Bank shall accept from any member, in place of any part of the member's currency, paid in to the Bank under Article 2, Section 7 (i), or to meet amortization payments on loans made with such currency, and not needed by the Bank in its operations, notes or similar obligations issued by the Government of the member or the depository designated by such member, which shall be non-negotiable, non-interest-bearing and payable at their par value on demand by credit to the account of the Bank in the designated depository.

Section 13. Publication of reports and provision of information

(a) The Bank shall publish an annual report containing an audited statement of its accounts and shall circulate to members at intervals of three months or less a summary statement of its financial position and a profit and loss statement showing the results of its operations.

(b) The Bank may publish such other reports as it deems desirable to carry out its purposes.

(c) Copies of all reports, statements and publications made under this section shall be distributed to members.

Section 14. Allocation of net income

(a) The Board of Governors shall determine annually what part of the Bank's net income, after making provision for reserves, shall be allocated to surplus and what part, if any, shall be distributed.

(b) If any part is distributed, up to two percent non-cumulative shall be paid, as a first charge against the distribution for any year, to each member on the basis of the average amount of the loans outstanding during the year made under Article 4, Section 1 (a) (i), out of currency corresponding to its subscription. If two percent is paid as a first charge, any balance remaining to be distributed shall be paid to all members in proportion to their shares. Payments to each member shall be made in its own currency, or if that currency is not available in other currency acceptable to the member. If such payments are made in currencies other than the member's own currency, the transfer of the currency and its use by the receiving member after payment shall be without restriction by the members.

Withdrawal and Suspension of Membership: Suspension of Operations

Art. 6. Section 1. Right of members to withdraw

Any member may withdraw from the Bank at any time by transmitting a notice in writing to the Bank at its principal office. Withdrawal shall become effective on the date such notice is received.

(Art. 6, *contin.*)

Section 2. Suspension of membership

If a member fails to fulfill any of its obligations to the Bank, the Bank may suspend its membership by decision of a majority of the Governors, exercising a majority of the total voting power. The member so suspended shall automatically cease to be a member one year from the date of its suspension unless a decision is taken by the same majority to restore the member to good standing.

While under suspension, a member shall not be entitled to exercise any rights under this Agreement, except the right of withdrawal, but shall remain subject to all obligations.

Section 3. Cessation of membership in International Monetary Fund

Any member which ceases to be a member of the International Monetary Fund shall automatically cease after three months to be a member of the Bank unless the Bank by three-fourths of the total voting power has agreed to allow it to remain a member.

Section 4. Settlement of accounts with governments ceasing to be members

(a) When a government ceases to be a member, it shall remain liable for its direct obligations to the Bank and for its contingent liabilities to the Bank so long as any part of the loans or guarantees contracted before it ceased to be a member are outstanding; but it shall cease to incur liabilities with respect to loans and guarantees entered into thereafter by the Bank and to share either in the income or the expenses of the Bank.

(b) At the time a government ceases to be a member, the Bank shall arrange for the repurchases of its shares as a part of the settlement of accounts with such government in accordance with the provisions of (c) and (d) below. For this purpose the repurchase price of the shares shall be the value shown by the books of the Bank on the day the government ceases to be a member.

(c) The payment for shares repurchased by the Bank under this section shall be governed by the following conditions:

(i) Any amount due to the government for its shares shall be withheld so long as the government, its central bank or any of its agencies remains liable, as borrower or guarantor, to the Bank and such amount may, at the option of the Bank, be applied on any such liability as it matures. No amount shall be withheld on account of the liability of the government resulting from its subscription for shares under Article 2, Section 5 (ii). In any event, no amount due to a member for its shares shall be paid until six months after the date upon which the government ceases to be a member.

(ii) Payments for shares may be made from time to time, upon their surrender by the government, to the extent by which the amount due as the repurchase price in (b) above exceeds the aggregate of liabilities on loans and guarantees in (c) (i) above until the former member has received the full repurchase price.

(iii) Payments shall be made in the currency of the country receiving payment or at the option of the Bank in gold.

(iv) If losses are sustained by the Bank on any guarantees, participations in loans, or loans which were outstanding on the date when the government ceased to be a member, and the amount of such losses exceeds

(Art. 6, contin.)

the amount of the reserve provided against losses on the date when the government ceased to be a member, such government shall be obligated to repay upon demand the amount by which the repurchase price of its shares would have been reduced, if the losses had been taken into account when the repurchase price was determined. In addition, the former member government shall remain liable on any call for unpaid subscriptions under Article 2, Section 5 (n), to the extent that it would have been required to respond if the impairment of capital had occurred and the call had been made at the time the repurchase price of its shares was determined.

(d) If the Bank suspends permanently its operations under Section 5 (b) of this Article, within six months of the date upon which any government ceases to be a member, all rights of such government shall be determined by the provisions of Section 5 of this Article.

Section 5. Suspension of operations and settlement of obligations

(a) In an emergency the Executive Directors may suspend temporarily operations in respect of new loans and guarantees pending an opportunity for further consideration and action by the Board of Governors.

(b) The Bank may suspend permanently its operations in respect of new loans and guarantees by vote of a majority of the Governors, exercising a majority of the total voting power. After such suspension of operations the Bank shall forthwith cease all activities, except those incident to the orderly realization, conservation, and preservation of its assets and settlement of its obligations.

(c) The liability of all members for uncalled subscriptions to the capital stock of the Bank and in respect of the depreciation of their own currencies shall continue until all claims of creditors, including all contingent claims, shall have been discharged.

(d) All creditors holding direct claims shall be paid out of the assets of the Bank, and then out of payments to the Bank on calls on unpaid subscriptions. Before making any payments to creditors holding direct claims, the Executive Directors shall make such arrangements as are necessary, in their judgment, to insure a distribution to holders of contingent claims ratably with creditors holding direct claims.

(e) No distribution shall be made to members on account of their subscriptions to the capital stock of the Bank until

(i) all liabilities to creditors have been discharged or provided for, and

(ii) a majority of the Governors, exercising a majority of the total voting power, have decided to make a distribution.

(f) After a decision to make a distribution has been taken under (e) above, the Executive Directors may by a two-thirds majority vote make successive distributions of the assets of the Bank to members until all of the assets have been distributed. This distribution shall be subject to the prior settlement of all outstanding claims of the Bank against each member.

(g) Before any distribution of assets is made, the Executive Directors shall fix the proportionate share of each member according to the ratio of its shareholding to the total outstanding shares of the Bank.

(Art. 6, *contin.*)

(h) The Executive Directors shall value the assets to be distributed as at the date of distribution and then proceed to distribute in the following manner:

(i) There shall be paid to each member in its own obligations or those of its official agencies or legal entities within its territories, in so far as they are available for distribution, an amount equivalent in value to its proportionate share of the total amount to be distributed.

(ii) Any balance due to a member after payment has been made under (i) above shall be paid, in its own currency, in so far as it is held by the Bank, up to an amount equivalent in value to such balance.

(iii) Any balance due to a member after payment has been made under (i) and (ii) above shall be paid in gold or currency acceptable to the member, in so far as they are held by the Bank, up to an amount equivalent in value to such balance.

(iv) Any remaining assets held by the Bank after payments have been made to members under (i), (ii) and (iii) above shall be distributed *pro rata* among the members.

(i) Any member receiving assets distributed by the Bank in accordance with (h) above, shall enjoy the same rights with respect to such assets as the Bank enjoyed prior to their distribution.

Status, Immunities and Privileges

Art. 7. Section 1. Purposes of Article

To enable the Bank to fulfill the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Bank in the territories of each member.

Section 2. Status of the Bank

The Bank shall possess full juridical personality, and, in particular, the capacity:

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

Section 3. Position of the Bank with regard to judicial process

Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

Section 4. Immunity of assets from seizure

Property and assets of the Bank, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of archives

The archives of the Bank shall be inviolable.

(Art. 7, *contin.*)

Section 6. Freedom of assets from restrictions

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Bank shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. Privilege for communications

The official communications of the Bank shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. Immunities and privileges of officers and employees

All governors, executive directors, alternates, officers and employees of the Bank

(i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Bank waives this immunity;

(ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;

(iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. Immunities from taxation

(a) The Bank, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Bank shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Bank to executive directors, alternates, officials or employees of the Bank who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Bank (including any dividend or interest thereon) by whomsoever held—

(i) which discriminates against such obligation or security solely because it is issued by the Bank; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Bank (including any dividend or interest thereon) by whomsoever held—

(i) which discriminates against such obligation or security solely because it is guaranteed by the Bank; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

(Art. 7, *contin.*)

Section 10. Application of Article

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Bank of the detailed action which it has taken.

Amendments

Art. 8. (a) Any proposal to introduce modifications in this Agreement, whether emanating from a member, a governor or the Executive Directors, shall be communicated to the Chairman of the Board of Governors who shall bring the proposal before the Board. If the proposed amendment is approved by the Board the Bank shall, by circular letter or telegram, ask all members whether they accept the proposed amendment. When three-fifths of the members, having four-fifths of the total voting power, have accepted the proposed amendments, the Bank shall certify the fact by formal communication addressed to all members.

(b) Notwithstanding (a) above, acceptance by all members is required in the case of any amendment modifying

(i) the right to withdraw from the Bank provided in Article 6, Section 1;

(ii) the right secured by Article 2, Section 3 (c);

(iii) the limitation on liability provided in Article 2, Section 6.

(c) Amendments shall enter into force for all members three months after the date of the formal communication unless a shorter period is specified in the circular letter or telegram.

Interpretation

Art. 9. (a) Any question of interpretation of the provisions of this Agreement arising between any member and the Bank or between any members of the Bank shall be submitted to the Executive Directors for their decision. If the question particularly affects any member not entitled to appoint an executive director, it shall be entitled to representation in accordance with Article 5, Section 4 (h).

(b) In any case where the Executive Directors have given a decision under (a) above, any member may require that the question be referred to the Board of Governors, whose decision shall be final. Pending the result of the reference to the Board, the Bank may, so far as it deems necessary, act on the basis of the decision of the Executive Directors.

(c) Whenever a disagreement arises between the Bank and a country which has ceased to be a member, or between the Bank and any member during the permanent suspension of the Bank, such disagreement shall be submitted to arbitration by a tribunal of three arbitrators, one appointed by the Bank, another by the country involved and an umpire who, unless the parties otherwise agree, shall be appointed by the President of the Permanent Court of International Justice or such other authority as may have been prescribed by regulation adopted by the Bank. The umpire shall have full power to settle all questions of procedure in any case where the parties are in disagreement with respect thereto.

Approval Deemed Given

Art. 10. Whenever the approval of any member is required before any act may be done by the Bank, except in Article 8, approval shall be deemed to have been given unless the member presents an objection within such reasonable period as the Bank may fix in notifying the member of the proposed act.

*Final Provisions**Art. 11. Section 1. Entry into force*

This Agreement shall enter into force when it has been signed on behalf of governments whose minimum subscriptions comprise not less than sixty-five percent of the total subscription set forth in Schedule A and when the instruments referred to in Section 2 (a) of this Article have been deposited on their behalf, but in no event shall this Agreement enter into force before May 1, 1945.

Section 2. Signature

(a) Each government on whose behalf this Agreement is signed shall deposit with the Government of the United States of America an instrument setting forth that it has accepted this Agreement in accordance with its law and has taken all steps necessary to enable it to carry out all of its obligations under this Agreement.

(b) Each government shall become a member of the Bank as from the date of the deposit on its behalf of the instrument referred to in (a) above, except that no government shall become a member before this Agreement enters into force under Section 1 of this Article.

(c) The Government of the United States of America shall inform the governments of all countries whose names are set forth in Schedule A, and all governments whose membership is approved in accordance with Article 2, Section 1 (b), of all signatures of this Agreement and of the deposit of all instruments referred to in (a) above.

(d) At the time this Agreement is signed on its behalf, each government shall transmit to the Government of the United States of America one one-hundredth of one percent of the price of each share in gold or United States dollars for the purpose of meeting administrative expenses of the Bank. This payment shall be credited on account of the payment to be made in accordance with Article 2, Section 8 (a). The Government of the United States of America shall hold such funds in a special deposit account and shall transmit them to the Board of Governors of the Bank when the initial meeting has been called under Section 3 of this Article. If this Agreement has not come into force by December 31, 1945, the Government of the United States of America shall return such funds to the governments that transmitted them.

(e) This Agreement shall remain open for signature at Washington on behalf of the governments of the countries whose names are set forth in Schedule A until December 31, 1945.

(f) After December 31, 1945, this Agreement shall be open for signature

(*Art. 11, contin.*)

on behalf of the government of any country whose membership has been approved in accordance with Article 2, Section 1 (b).

(g) By their signature of this Agreement, all governments accept it both on their own behalf and in respect of all their colonies, overseas territories, all territories under their protection, suzerainty, or authority and all territories in respect of which they exercise a mandate.

(h) In the case of governments whose metropolitan territories have been under enemy occupation, the deposit of the instrument referred to in (a) above may be delayed until one hundred and eighty days after the date on which these territories have been liberated. If, however, it is not deposited by any such government before the expiration of this period, the signature affixed on behalf of that government shall become void and the portion of its subscription paid under (d) above shall be returned to it.

(i) Paragraphs (d) and (h) shall come into force with regard to each signatory government as from the date of its signature.

Section 3. Inauguration of the Bank

(a) As soon as this Agreement enters into force under Section 1 of this Article, each member shall appoint a governor and the member to whom the largest number of shares is allocated in Schedule A shall call the first meeting of the Board of Governors.

(b) At the first meeting of the Board of Governors, arrangements shall be made for the selection of provisional executive directors. The governments of the five countries, to which the largest number of shares are allocated in Schedule A, shall appoint provisional executive directors. If one or more of such governments have not become members, the executive directorships which they would be entitled to fill shall remain vacant until they become members, or until January 1, 1946, whichever is the earlier. Seven provisional executive directors shall be elected in accordance with the provisions of Schedule B and shall remain in office until the date of the first regular election of executive directors which shall be held as soon as practicable after January 1, 1946.

(c) The Board of Governors may delegate to the provisional executive directors any powers except those which may not be delegated to the Executive Directors.

(d) The Bank shall notify members when it is ready to commence operations.

DONE at Washington, in a single copy which shall remain deposited in the archives of the Government of the United States of America, which shall transmit certified copies to all governments whose names are set forth in Schedule A and to all governments whose membership is approved in accordance with Article 2, Section 1 (b).

SCHEDULE A

Subscriptions

	(millions of dollars)		(millions of dollars)
Australia	200	India	400
Belgium	225	Iran	24
Bolivia	7	Iraq	6
Brazil	105	Liberia	.5
Canada	325	Luxembourg	10
Chile	35	Mexico	65
China	600	Netherlands	275
Colombia	35	New Zealand	50
Costa Rica	2	Nicaragua	.8
Cuba	35	Norway	50
Czechoslovakia	125	Panama	.2
¹ Denmark		Paraguay	.8
Dominican Republic	2	Peru	17.5
Ecuador	3.2	Philippine Commonwealth	15
Egypt	40	Poland	125
El Salvador	1	Union of South Africa	100
Ethiopia	3	Union of Soviet Socialist	
France	450	Republics	1200
Greece	25	United Kingdom	1300
Guatemala	2	United States	3175
Haiti	2	Uruguay	10.5
Honduras	1	Venezuela	10.5
Iceland	1	Yugoslavia	40
		Total	9100

¹ The quota of Denmark shall be determined by the Bank after Denmark accepts membership in accordance with these Articles of Agreement.

SCHEDULE B

Election of Executive Directors

1. The election of the elective executive directors shall be by ballot of the Governors eligible to vote under Article 5, Section 4 (b).

2. In balloting for the elective executive directors, each governor eligible to vote shall cast for one person all of the votes to which the member appointing him is entitled under Section 3 of Article 5. The seven persons receiving the greatest number of votes shall be executive directors, except that no person who receives less than fourteen percent of the total of the votes which can be cast (eligible votes) shall be considered elected.

3. When seven persons are not elected on the first ballot, a second ballot shall be held in which the person who received the lowest number of votes shall be ineligible for election and in which there shall vote only (a) those governors who voted in the first ballot for a person not elected and (b) those governors whose votes for a person elected are deemed under 4 below to have raised the votes cast for that person above fifteen percent of the eligible votes.

4. In determining whether the votes cast by a governor are to be deemed to have raised the total of any person above fifteen percent of the eligible votes, the fifteen percent shall be deemed to include, first, the votes of the

governor casting the largest number of votes for such person, then the votes of the governor casting the next largest number, and so on until fifteen percent is reached.

5. Any governor, part of whose votes must be counted in order to raise the total of any person above fourteen percent shall be considered as casting all of his votes for such person even if the total votes for such person thereby exceed fifteen percent.

6. If, after the second ballot, seven persons have not been elected, further ballots shall be held on the same principles until seven persons have been elected, provided that after six persons are elected, the seventh may be elected by a simple majority of the remaining votes and shall be deemed to have been elected by all such votes.

AGREEMENT BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

November 15, 1948

GENERAL

Art. 1. 1. This agreement, which is entered into by the United Nations pursuant to the provisions of Article 63 of its Charter, and by the International Bank for Reconstruction and Development (hereinafter called the Bank) pursuant to the provisions of Section 8 (a) of article V of its Articles of Agreement, is intended to define the terms on which the United Nations and the Bank shall be brought into relationship.

2. The Bank is a specialized agency established by agreement among its member Governments and having wide international responsibilities, as defined in its Articles of Agreement, in economic and related fields within the meaning of Article 57 of the Charter of the United Nations. By reason of the nature of its international responsibilities and the terms of its Articles of Agreement, the Bank is, and is required to function as, an independent international organization.

3. The United Nations and the Bank are subject to certain necessary limitations for the safeguarding of confidential material furnished to them by their members or others, and nothing in this agreement shall be construed to require either of them to furnish any information the furnishing of which would, in its judgment, constitute a violation of the confidence of any of its members or anyone from whom it shall have received such information, or which would otherwise interfere with the orderly conduct of its operations.

RECIPROCAL REPRESENTATION

Art. 2. 1. Representatives of the United Nations shall be entitled to attend, and to participate without vote in, meetings of the Board of Governors of the Bank. Representatives of the United Nations shall be invited to participate without vote in meetings especially called by the Bank for the particular purpose of considering the United Nations point of view in matters of concern to the United Nations.

2. Representatives of the Bank shall be entitled to attend meetings of the General Assembly of the United Nations for purposes of consultation.

3. Representatives of the Bank shall be entitled to attend, and to participate without vote in, meetings of the committees of the General Assembly, meetings of the Economic and Social Council, of the Trusteeship Council and of their respective subsidiary bodies dealing with matters in which the Bank has an interest.

4. Sufficient advance notice of these meetings and their agenda shall be given so that, in consultation, arrangements can be made for adequate representation.

PROPOSAL OF AGENDA ITEMS

Art. 3. In preparing the agenda for meetings of the Board of Governors, the Bank will give due consideration to the inclusion in the agenda of items proposed by the United Nations. Similarly, the Council and its commissions and the Trusteeship Council will give due consideration to the inclusion in their agenda of items proposed by the Bank.

CONSULTATION AND RECOMMENDATIONS

Art. 4. 1. The United Nations and the Bank shall consult together and exchange views on matters of mutual interest.

2. Neither organization, nor any of their subsidiary bodies, will present any formal recommendations to the other without reasonable prior consultation with regard thereto. Any formal recommendations made by either organization after such consultation will be considered as soon as possible by the appropriate organ of the other.

3. The United Nations recognizes that the action to be taken by the Bank on any loan is a matter to be determined by the independent exercise of the Bank's own judgment in accordance with the Bank's Articles of Agreement. The United Nations recognizes, therefore, that it would be sound policy to refrain from making recommendations to the Bank with respect to particular loans or with respect to terms or conditions of financing by the Bank. The Bank recognizes that the United Nations and its organs may appropriately make recommendations with respect to the technical aspects of reconstruction or development plans, programs or projects.

EXCHANGE OF INFORMATION

Art. 5. The United Nations and the Bank will, to the fullest extent practicable and subject to paragraph 3 of article 1, arrange for the current exchange of information and publications of mutual interest, and the furnishing of special reports and studies upon request.

SECURITY COUNCIL

Art. 6. 1. The Bank takes note of the obligation assumed, under paragraph 2 of Article 48 of the United Nations Charter, by such of its members as are also Members of the United Nations, to carry out the decisions of the Security Council through their action in the appropriate specialized agencies of which they are members, and will, in the conduct of its activities, have due regard for decisions of the Security Council under Articles 41 and 42 of the United Nations Charter.

2. The Bank agrees to assist the Security Council by furnishing to it information in accordance with the provisions of article 5 of this agreement.

ASSISTANCE TO THE TRUSTEESHIP COUNCIL

Art. 7. The Bank agrees to co-operate with the Trusteeship Council in the carrying out of its functions by furnishing information and technical assistance upon request and in such other similar ways as may be consistent with the Articles of Agreement of the Bank.

INTERNATIONAL COURT OF JUSTICE

Art. 8. The General Assembly of the United Nations hereby authorizes the Bank to request advisory opinions of the International Court of Justice on any legal questions arising within the scope of the Bank's activities other than questions relating to the relationship between the Bank and the United Nations or any specialized agency. Whenever the Bank shall request the Court for an advisory opinion, the Bank will inform the Economic and Social Council of the request.

STATISTICAL SERVICES

Art. 9. 1. In the interests of efficiency and for the purpose of reducing the burden on national governments and other organizations, the United Nations and the Bank agree to co-operate in eliminating unnecessary duplication in the collection, analysis, publication and dissemination of statistical information.

2. The Bank recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations, without prejudice to the right of the Bank to concern itself with any statistics so far as they may be essential for its own purposes.

3. The United Nations recognizes the Bank as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with any statistics so far as they may be essential for its own purposes.

4. (a) In its statistical activities the Bank agrees to give full consideration to the requirements of the United Nations and of the specialized agencies.

(b) In its statistical activities the United Nations agrees to give full consideration to the requirements of the Bank.

5. The United Nations and the Bank agree to furnish each other promptly with all their non-confidential statistical information.

ADMINISTRATIVE RELATIONSHIPS

Art. 10. 1. The United Nations and the Bank will consult from time to time concerning personnel and other administrative matters of mutual interest, with a view to securing as much uniformity in these matters as they shall find practicable and to assuring the most efficient use of the services and facilities of the two organizations. These consultations shall include determination of the most equitable manner in which special services furnished by one organization to the other should be financed.

2. To the extent consistent with the provisions of this agreement, the Bank will participate in the work of the Co-ordination Committee and its subsidiary bodies.

3. The Bank will furnish to the United Nations copies of the annual report and the quarterly financial statements prepared by the Bank pursuant to section 13 (a) of article 5 of its Articles of Agreement. The United

Nations agrees that, in the interpretation of paragraph 3 of Article 17 of the United Nations Charter it will take into consideration that the Bank does not rely for its annual budget upon contributions from its members, and that the appropriate authorities of the Bank enjoy full autonomy in deciding the form and content of such budget.

4. The officials of the Bank shall have the right to use the *laissez-passer* of the United Nations in accordance with special arrangements to be negotiated between the Secretary-General of the United Nations and the competent authorities of the Bank.

AGREEMENTS WITH OTHER ORGANIZATIONS

Art. 11. The Bank will inform the Economic and Social Council of any formal agreement which the Bank shall enter into with any specialized agency, and in particular agrees to inform the Council of the nature and scope of any such agreement before it is concluded.

LIAISON

Art. 12. 1. The United Nations and the Bank agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective co-operation between the two organizations. Each agrees that it will establish within its own organization such administrative machinery as may be necessary to make the liaison, as provided for in this agreement, fully effective.

2. The arrangements provided for in the foregoing articles of this agreement shall apply, as far as is appropriate, to relations between such branch or regional offices as may be established by the two organizations, as well as between their central machinery.

MISCELLANEOUS

Art. 13. 1. The Secretary-General of the United Nations and the President of the Bank are authorized to make such supplementary arrangements as they shall deem necessary or proper to carry fully into effect the purposes of this agreement.

2. This agreement shall be subject to revision by agreement between the United Nations and the Bank from the date of its entry into force.

3. This agreement may be terminated by either party thereto on six months written notice to the other party, and thereupon all rights and obligations of both parties hereunder shall cease.

4. This agreement shall come into force when it shall have been approved by the General Assembly of the United Nations and the Board of Governors of the Bank.

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INTERNATIONAL BUREAU OF EDUCATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Bureau was founded as a private organization in 1925 but became an inter-governmental organization on July 25, 1929 by a statute signed by the governments concerned. Any member may withdraw by a notice of one year from the end of the current fiscal year.¹ The Bureau may be dissolved only by a two-thirds majority of the Council convened for this special purpose.²

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purpose of the Bureau is to serve as an information center for all matters relating to education; and to collect information relating to public and private education and to undertake experimental or statistical research.³

ORGANS

The organs are;

(1) A Council, composed of three representatives from each of the members meeting, once a year.⁴

(2) An Executive Committee, composed of the Chairman, two Vice-Chairmen, and as many other members as the Council may decide, elected by the Council.⁵

(3) A Standing Advisory Committee and a Financial Committee, both elected by the Council.⁶

(4) A Secretariat headed by a Director appointed by the Executive Committee,⁷ and "Commissions".⁸

MEMBERSHIP

The members are Argentina, Austria, Belgium, Bolivia, Bulgaria,

² Statutes, Art. 6.

¹ Id., Art. 17.

³ Id., Art. 2.

⁴ Id., Art. 8.

⁵ Id., Art. 11.

⁶ Id., Art. 12.

⁷ Id., Art. 14.

⁸ Id., Art. 7.

Byelorussia, Cambodia, China (Republic of), Colombia, Czechoslovakia, Dominican Republic, Ecuador, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Iran, Israel, Italy, Japan, Lebanon, Liberia, Morocco, Panama, Poland, Portugal, Roumania, Spain, Switzerland, Tunisia, Ukraine, U.S.S.R., United Arab Republic, United States of America, Viet Nam and Yugoslavia.

MEANS OF FINANCIAL SUPPORT

Minimum annual government contributions of 10,000 Swiss francs are required.¹ The organization also receives the proceeds from service stamps, subsidies, the sale of publications and gifts and bequests.²

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

An agreement between the Bureau and the United Nations Educational, Scientific and Cultural Organization came into force in 1951 whereby the Bureau convenes jointly with UNESCO each year an international Conference on Public Education.

HEADQUARTERS

The headquarters are at the Palais Wilson, Geneva.

¹ Id., Art. 4.

² Id., Art. 15.

INTERNATIONAL BUREAU OF EDUCATION

STATUTES¹

July 25, 1929

The under-signed,

Considering that the development of education is an essential factor in the establishment of peace and in the moral and material progress of humanity,

That the collection of data on research and application in the field of education and the assurance of extensive interchange of information and data by which each country may be stimulated to benefit by the experiences of others is of importance to this development,

That the existing International Bureau of Education in Geneva, which has already proved its worth, is best suited to carry out this task provided that the necessary means are forthcoming,

That the organisations represented in the Bureau can effectively contribute to its development,

Are resolved that its future activity shall be regulated by the present statutes.

Art. 1. An institution of general and public interest, to be known as the "International Bureau of Education", is hereby created.

Art. 2. The purpose of the International Bureau of Education is to serve as an information centre for all matters relating to education.

The Bureau, which aims at promoting international co-operation, will maintain an entirely neutral position with regard to national, political and religious questions. As an organ of information and investigation, it will work in a strictly scientific and objective spirit. Its activities will be two-fold: to collect information relating to public and private education and to undertake experimental or statistical research and to make the results known to educationists.

Art. 3. The seat of the International Bureau of Education is to be at Geneva.

Art. 4. The bodies named below shall be recognized as members of the International Bureau of Education; any Government, public institution or international organisation, paying a minimum annual contribution of 10,000 Swiss francs, may, subject to the approval of the Council, also become a member.

Art. 5. The rights of membership of the International Bureau of Education shall be limited to the period for which members have paid their subscriptions.

¹ English translation supplied by the International Bureau of Education.

Art. 6. Membership of the International Bureau of Education may be terminated by submission of a notice of one year dating from the end of the current fiscal year.

Art. 7. The organs of the International Bureau of Education are to be: the Council, the Executive Committee, Commissions, and a Secretariat.

Art. 8. The Council shall be the supreme power of the International Bureau of Education. It shall be composed of three representatives from each of the members and shall meet once a year. It may meet in plenary session, however, whenever at least a third of its members make the request.

Art. 9. The functions of the Council shall be:

(a) to hear the report of the Executive Committee and the reports of the Commissions on matters dealt with between Council meetings,

(b) to determine the general policy of the work to be undertaken by the International Bureau of Education;

(c) to appoint the members of the Executive Committee and of the various Commissions on which there shall be an equitable representation of members and of countries;

(d) to discuss and approve the balance sheet, the accounts and the budget,

(e) to consider any changes in the statutes.

Art. 10. The Council shall be duly constituted whatever may be the number of members present at a meeting.

Art. 11. The Council shall delegate its powers to the Executive Committee to act between the sessions of the Council, whenever the Chairman deems it necessary. This Committee shall consist of the Chairman, two Vice-Chairmen and as many other members as the Council may decide.

The Council shall elect the Executive Committee every two years, its members being eligible for re-election.

Art. 12. The Council shall appoint a Standing Advisory Committee, consisting of from fifteen to thirty members, whose function shall be to report on questions submitted to it by the Council and to bring to the latter's notice the most pressing needs of the educational world. It shall also appoint a Financial Committee.

Art. 13. The Council may appoint Commissions to deal with any special question deemed desirable.

Art. 14. The Secretariat, headed by a Director, shall be responsible for the technical and administrative work of the Bureau. The Director and all other members of the staff shall be appointed by the Executive Committee.

Art. 15. The resources of the International Bureau of Education shall consist of: the regular subscriptions of its members; gifts and bequests, subject to acceptance by the Executive Committee; the proceeds from the sale of its publications; and donations allocated for special work within its scope and approved by the Executive Committee.

Art. 16. The Council may, by a two-thirds majority of votes, revise these Statutes at any time, provided that proposals for revision have been placed on the agenda before the Council meeting.

Art. 17. The International Bureau of Education may only be dissolved by a two-thirds majority of the Council convened for this special purpose. In case of dissolution, the Council shall take necessary measures to ensure the liquidation of the assets and the effective continuation of the work already started.

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INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This organization was established in 1875.

The plan was discussed at a conference attended by 28 nations in Paris in 1870 at the invitation of the French Government. It had the backing of a Committee from the St. Petersburg Academy of Science, the International Geodetic Conference at Berlin, and a group of delegates to the Paris Exposition.

A Committee for Preparatory Research, set up at this conference, recommended that the standard French meter be adopted internationally and that a permanent institution be created to carry on research on problems of standardizing weights and measures.

A further conference was held in Paris in 1875 composed of diplomatic representatives who drew up and signed on May 20, 1875, a convention which established the International Bureau of Weights and Measures. The Convention also established an international committee to supervise the operations of the International Bureau and provided for general Conferences on Weights and Measures to be held at Paris at intervals of six years. The Convention was subject to ratification. It entered into effect on January 1, 1876.¹

In 1921 a new Convention was signed amending the 1875 provisions and extending the jurisdiction of the organization to include electrical units and standards. Accordingly, in addition to its basic work of standardizing units of the metric system, the Bureau undertook the precise determination of the length of light waves and in 1921 began work on the standardization of units of electricity. As a result, electrical units on a new basis, which makes them concordant with the mechanical units, were introduced throughout the world as of January 1, 1948. At the same time a new system of units of light was introduced, superseding diverse units which had been in use previously.²

¹ Convention, Art. 14.

² U.S. State Dept. Pub. 3655, Feb. 1950, p. 117.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The functions of the International Bureau of Weights and Measures include comparisons and verifications of the new prototypes of the meter and the kilogram; custody of the international prototypes; periodical comparison of the national standards and the international prototypes with their test copies as well as comparisons of standard thermometers; comparison of the prototypes with the fundamental standards of non-metrical weights and measures in different countries for scientific purposes; calibration and comparison of geodetic measuring bars; comparison of standards and scales of precision, the verification of which may be requested by governments, by scientific societies, or by individual scientists and technicians; and investigation and preservation of standards of electrical units.¹

ORGANS

The organs are:

(1) A General Conference, convened every six years, composed of government delegates and members of the International Committee each member state having one vote.²

(2) An International Committee of Weights and Measures, composed of eighteen members all from different states.³

(3) Consultative Committees called to advise the International Committee.

(4) The International Bureau whose personnel and duties are prescribed by regulations of the Committee.⁴

MEMBERSHIP

The members are Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Czechoslovakia, Denmark, Dominican Republic, Finland, France and Algeria, Germany, Hungary, India, Indonesia, Ireland, Italy, Japan, Korea, Mexico, Netherlands, Norway, Poland, Portugal, Roumania, Spain, Sweden, Switzerland, Thailand, Turkey, Union of Soviet Socialist Republics, United Kingdom, United States, Uruguay, Venezuela and Yugoslavia.

MEANS OF FINANCIAL SUPPORT

The Convention provides for contributions by the contracting governments "in proportion to the actual population of each."⁵

¹ Convention, Art. 6, 7.

² Convention, Art. 3, Regulations, Art. 7.

³ Convention, Art. 3, Regulations, Art. 8.

⁴ Convention, Art. 3, Regulations, Art. 15, 17.

⁵ Convention, Art. 9, 10, Regulations, Art. 5, 6.

The Regulations specify that “the normal contribution of each State cannot be less than 5 to a thousand, nor more than 15% of the whole appropriation, regardless of the population.”¹

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

There is an agreement with the UNESCO signed on June 27, 1949.

HEADQUARTERS

Its headquarters are at the Pavillon de Breteuil, Sèvres, Seine-et-Oise, France

¹ Regulations, Art. 20.

CONVENTION RESPECTING WEIGHTS AND MEASURES¹

May 20, 1875 as amended 1921

Art. 1. The high contracting parties engage to establish and maintain, at their common expense, a scientific and permanent international bureau of weights and measures, the location of which shall be at Paris.

Art. 2. The French Government shall take all the necessary measures to facilitate the purchase, or, if expedient, the construction, of a building which shall be especially devoted to this purpose, subject to the conditions stated in the regulations which are subjoined to this convention.

Art. 3. The operation of the international bureau shall be under the exclusive direction and supervision of an international committee of weights and measures, which latter shall be under the control of a general conference for weights and measures, to be composed of the delegates of all the contracting governments.

Art. 4. The general conference for weights and measures shall be presided over by the president for the time being of the Paris Academy of Sciences.

Art. 5. The organization of the bureau, as well as the formation and the powers of the international committee, and of the general conference for weights and measures, are established by the regulations subjoined to this convention.

Art. 6. The international bureau of weights and measures shall be charged with the following duties:

1st. All comparisons and verifications of the new prototypes of the meter and kilogram.

2d. The custody of the international prototypes.

3d. The periodical comparison of the national standards with the international prototypes and with their test copies, as well as comparisons of the standard thermometers.

4th. The comparison of the prototypes with the fundamental standards of non-metrical weights and measures used in different countries for scientific purposes.

5th. The calibration and comparison of geodetic measuring-bars.

6th. The comparison of standards and scales of precision, the verification of which may be requested by governments or by scientific societies, or even by constructors or men of science.

Art. 7. After the Committee shall have proceeded with the work of co-ordinating the measures relative to electric units and when the general conference shall have so decided by a unanimous vote, the Bureau will have charge of the establishment and keeping of the standards of the elec-

¹ Source: U.S. Treaty Series No. 378 and No. 673.

tric units and their test copies and also if comparing with those standards, the national or other standards of precision.

The Bureau is also charged with the duty of making the determinations relative to physical constants, a more accurate knowledge of which may be useful in increasing precision and further insuring uniformity in the provinces to which the above mentioned units belong (Article 6 and 1st paragraph of Article 7).

It is finally charged with the duty of co-ordinating similar determinations effected in other institutions.

Art. 8. The international prototypes and standards and also their test copies shall be deposited in the Bureau; access to the deposit shall be solely reserved for the international committee.

Art. 9. The entire expense of the construction and outfit of the international bureau of weights and measures, together with the annual cost of its maintenance and the expenses of the committee, shall be defrayed by contributions from the contracting states, the amount of which shall be computed in proportion to the actual population of each.

Art. 10. The amounts representing the contributions of each of the contracting states shall be paid at the beginning of each year, through the ministry of foreign affairs of France, into the Caisse des Dépôts et Consignations at Paris, whence they may be drawn as occasion may require, upon the order of the director of the bureau.

Art. 11. Those governments which may take advantage of the privilege, open to every state, of acceding to this convention, shall be required to pay a contribution, the amount of which shall be fixed by the committee on the basis established in article 9, and which shall be devoted to the improvement of the scientific apparatus of the bureau.

Art. 12. The high contracting parties reserve to themselves the power of introducing into the present convention, by common consent, any modifications the propriety of which may have been shown by experience.

Art. 13. At the expiration of twelve years this convention may be abrogated by any one of the high contracting parties, so far as it is concerned.

Any government which may avail itself of the right of terminating this convention, so far as it is concerned, shall be required to give notice of its intentions one year in advance, and by so doing shall renounce all rights of joint ownership in the international prototypes and in the bureau.

Art. 14. This Convention shall be ratified according to the constitutional laws of each state, and the ratifications shall be exchanged in Paris within six months, or sooner, if possible. It shall take effect on the first day of January, 1876.

In testimony whereof the respective plenipotentiaries have attached their signatures and have hereunto affixed their seals of arms.

Done at Paris, May 20, 1875.

APPENDIX I - REGULATIONS

Art. 1. The International Bureau of Weights and Measures shall be established in a special building, possessing all the necessary safeguards of stillness and stability.

It shall comprise, in addition to the vault, which shall be devoted to the safe-keeping of the prototypes, rooms for mounting the comparators and balances; a laboratory, a library, room for the archives, work-rooms for the employees, and lodgings for the watchmen and attendants.

Art. 2. It shall be the duty of the International Committee to acquire and fit up the aforesaid building and to set in operation the work for which it is designed.

In case of the Committee's inability to obtain a suitable building, one shall be built under its directions and in accordance with its plans.

Art. 3. The French Government shall, at the request of the International Committee, take the necessary measures to cause the Bureau to be recognized as an establishment of public utility.

Art. 4. The International Committee shall cause the necessary instruments to be constructed, such as comparators for the standards of line and end measures, apparatus for the determination of absolute dilatations, balances for weighing in air and *in vacuo*, comparators for geodetic measuring-bars, &c.

Art. 5. The entire expense incurred in the purchase or construction of the building, and in the purchase and placing of the instruments and apparatus, shall not exceed 400,000 francs.

Art. 6. The annual appropriation for the international bureau consists of two parts, one of which is fixed, the other complementary.

The fixed part is, in principle, 250,000 francs, but on the unanimous vote of the Committee may be raised to 300,000 francs. It is borne by all the states and autonomous colonies that adhered to the meter convention before the sixth General Conference.

The complementary part is made up of contributions from the states and autonomous colonies that joined the Convention after the aforesaid General Conference. The Committee is charged with the duty of drawing up on the motion of the Director the annual budget, but without exceeding the amount computed in accordance with the provisions of the two paragraphs above. The budget is made known every year by means of a special financial report to the governments of the high contracting parties.

If the Committee find it necessary either to increase beyond 300,000 francs, the fixed part of the annual appropriation or to modify the computation of the contributions as determined by Article 20, of these regulations it should lay the matter before the governments so as to enable them to issue in good time the needed instructions to their delegates to the next General Conference in order that the said conference may deliberate to good purpose. The decision will stand only in the case that no opposition shall have been expressed before or in the conference by any of the contracting states.

If the state should let three years go without paying its contribution, that contribution shall be divided among the other states proportionally to their own contribution. The additional sum thus paid by the states to make up the whole of the appropriation of the Bureau shall be regarded as an advance to the delinquent state and shall be reimbursed to them if that state should make good its arrears. The advantages and prerogatives conferred by adhering to the Meter Convention are suspended in the case of states that have been delinquent three years.

After three more years the delinquent state shall be expelled from the Convention and the reckoning of the contributions restored in accordance with the provisions of Article 20, of these regulations.

Art. 7. The General Conference mentioned in article 3 of this convention shall be at Paris, upon the summons of the international committee, at least once every six years.

It shall be its duty to discuss and initiate measures necessary for the dissemination and improvement of the metrical system, and to pass upon such new fundamental metrological determinations as may have been made during the time when it was not in session. It shall receive the report of the International Committee concerning the work that has been accomplished, and shall replace one-half of the international committee by secret ballot.

The voting in the general conference shall be by states; each state shall be entitled to one vote.

Each of the members of the International Committee shall be entitled to a seat at the meetings of the conference. They may at the same time be delegates of their governments.

Art. 8. The International Committee mentioned at Article 3 of the Convention shall be composed of 18 members all from different states.

At the time of the renewal by halves of the International Committee, the outgoing members shall be first those who may have been provisionally elected to fill vacancies between two sessions of the conference; the others will be drawn by lot. Outgoing members may be re-elected.

Art. 9. The International Committee organizes itself by electing by its own secret vote its Chairman and Secretary. Those appointments are notified to the governments of the high contracting parties.

The chairman and the secretary of the Committee and the Director of the Bureau must belong to different countries.

Once organized, the Committee cannot hold other elections or make other appointments except before three months shall have elapsed after the notice of a vacancy calling for a vote shall have been given to all the members.

Art. 10. The International Committee directs all the metrological works that the high contracting parties shall decide to have carried on jointly.

It is also charged with the duty of seeing to the conservation of the international prototypes and standards.

It may, lastly, institute the co-operation of specialists in questions of metrology and co-ordinate the results of their work.

Art. 11. The Committee shall meet at least once in two years.

Art. 12. The balloting in the committee is by a majority vote: in case of a tie vote the chairman has the casting vote.

Decisions are only valid if the members present are at least one half of the elected members forming the committee.

Subject to that condition absent members have a right to delegate their votes to present members who must prove that they have been so delegated. This also applies to appointments by secret ballot.

The Director of the Bureau is a non-voting member of the Committee.

Art. 13. During the interval occurring between two sessions, the Committee shall have the right to discuss questions by correspondence.

In such cases, in order that its resolutions may be considered to have been adopted in due form, it shall be necessary for all the members of the committee to have been called upon to express their opinions.

Art. 14. The International Committee for Weights and Measures shall provisionally fill such vacancies as may occur in it; these elections shall take place by correspondence, each of the members being called upon to take part therein.

Art. 15. The International Committee will draw up a detailed set of regulations for the organization and work of the Bureau and will fix the dues to be paid for the extraordinary works provided by Articles 6 and 7 of the Convention.

Those dues will be applied to improving the scientific equipment of the Bureau. A certain amount may be drawn annually for the retirement fund from the total dues collected by the Bureau.

Art. 16. All communications from the International Committee to the governments of the high contracting parties shall take place through the diplomatic representatives of such countries at Paris.

For all matters requiring the attention of the French authorities, the Committees shall have recourse to the ministry of foreign affairs of France.

Art. 17. A regulation drawn up by the Committee will determine the maximum staff for each category of the personnel of the Bureau. The Director and his assistants shall be elected by secret ballot by the International Committee. Other appointments shall be notified to the governments of the high contracting parties. The Director will appoint the other members of the personnel within the bounds laid by the regulation mentioned in the first paragraph above.

Art. 18. The Director of the Bureau shall have access to the place where the international prototypes are deposited only in pursuance of a resolution of the Committee and in the presence of at least one of its members. The place of deposit of the prototypes shall be opened only by means of three keys, one of which shall be in the possession of the Director of Archives of France, the second in that of the Chairman of the Committee and the third in that of the Director of the Bureau.

The standards of the class of national prototypes alone shall be used for the ordinary comparing work of the Bureau.

Art. 19. The director of the Bureau shall annually furnish to the committee: 1st. A financial report concerning the accounts of the preceding

year, which shall be examined, and, if found correct, a certificate to that effect shall be given him; 2d. A report on the condition of the apparatus; 3d. A general report concerning the work accomplished during the course of the year just closed.

The International Committee shall make to each of the governments of the high contracting parties an annual report concerning all its scientific, technical, and administrative operations, and concerning those of the bureau.

The chairman of the Committee shall make a report to the General Conference concerning the work that has been accomplished since its last session.

The reports and publications of the Committee shall be in the French language. They shall be printed and furnished to the governments of the high contracting parties.

Art. 20. The scale of contributions spoken of in Article 9 of the Convention is established for its fixed part on the basis of the appropriation referred to in Article 6 of the present regulations and of the population; the normal contribution of each state cannot be less than 5 to a thousand nor more than 15% of the whole appropriation, regardless of the population. In order to establish that scale, it shall first be found which are the states that are in the conditions required for the minimum and maximum and the remainder of the quota shall be distributed among the other states in the direct ratio of their population.

The quota thus reckoned stands for the whole time included between two consecutive General Conferences and can only be modified in the meanwhile in the following cases:

(a) If one of the adhering states allows three successive years to pass without making its payments;

(b) When, on the contrary, a state which had been previously delinquent for more than three years pays up its arrears, and the occasion arises to return to the other governments the advances made by them.

The complementary contribution is computed on the same basis of population and is like that which the states that have long belonged to the Convention pay under the same conditions.

If after adhering to the Convention a state declares it would like to extend the benefits thereof to one or more of its colonies that are not autonomous, the number of the population of the said colonies would be added to that of the State in reckoning the scale of contributions.

When a colony that is recognized as autonomous shall desire to adhere to the Convention, it will be regarded with respect to its admission into the Convention and as the mother country may decide, either as a dependency of that mother country or as a contracting state.

Art. 21. The expense of constructing the international prototypes, and the standards and test copies which are to accompany them, shall be defrayed by the high contracting parties in accordance with the scale fixed in the foregoing article.

The amounts to be paid for the comparison and verification of standards required by states not represented at this Convention shall be regulated by

the Committee in conformity with the rates fixed in virtue of article 15 of the regulations.

Art. 22. These regulations shall have the same force and value as the convention to which they are annexed.

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INTERNATIONAL CHESTNUT COMMISSION

See Food and Agriculture Organization

INTERNATIONAL CIVIL AVIATION ORGANIZATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Civil Aviation Organization is a specialized agency of the United Nations. It was established under the Convention on International Civil Aviation concluded at Chicago on December 7, 1944. The organization came into being on April 4, 1947, following ratification of the convention by the twenty-sixth state, as required by Article 91 of the Convention. The Convention was amended in 1947 and 1954. For a preceding period of about 2 years, an interim organization, the Provisional International Civil Aviation Organization, similar in structure to the International Civil Aviation Organization, was functioning.

The Convention superseded, as between contracting states, the Paris Convention of 1919, establishing the International Commission for Air Navigation, and the Pan American Convention on Commercial Aviation of 1928. The Legal Committee of the International Civil Aviation Organization took over the functions of the International Technical Committee of Aerial Legal Experts which decided to turn over its duties at a final session of that body held in May, 1947.

The contracting states "recognize" in the Convention that "every state has complete and exclusive sovereignty over the air space above its territory."¹

The Convention may be denounced by any state three years after it has entered into force with one years notice.²

FUNCTIONS AND POWERS OF THE ORGANIZATION

The objectives of the organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport in such a way as to insure the safe and orderly growth of international civil aviation, encourage the

¹ Convention, Art. 1.

² Id., Art. 95.

arts of aircraft design and operation for peaceful purposes and the development of air navigation facilities, prevent economic waste caused by unreasonable competition, avoid discrimination, promote safety, and to promote generally the development of all aspects of international civil aeronautics.¹

The Organization enjoys in each contracting state such legal capacity as may be necessary for the performance of its functions.²

The Organization is given authority to "adopt and amend from time to time as may be necessary, international standards and recommended practices and procedures" dealing with communications systems, ground markings, airports, landing areas, rules of air traffic, licensing of personnel, airworthiness, registration, meteorological information, log books, maps, charts, customs and immigration procedures, and accidents.³ It has authority to designate these international standards and recommended practices and procedures as annexes to the Convention.⁴

ORGANS

The organs are:

(1) An Assembly, composed of delegates representing contracting states, each state having one vote, meeting once every three years.⁵

(2) A Council, composed of 21 contracting states elected by the Assembly. The Assembly is required, in electing the Council, to "give adequate representation to (1) the states of chief importance to air transport (2) the states not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and (3) the states not otherwise included whose designation will insure that all the major geographic areas of the world are represented on the Council." ⁶

(3) An Air Navigation Commission, composed of twelve members appointed by the Council from among persons nominated by contracting states.⁷

(4) A Secretary-General and personnel.⁸

The organization has an Air Navigation Commission, an Air Transport Committee, a Joint Support Committee, a Finance Committee and a Legal Committee.

MEMBERSHIP

The members are Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Cambodia, Cameroun, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland,

¹ Id., Art. 44.

² Id., Art. 47.

³ Id., Art. 37.

⁴ Art. 54 (1), 90.

⁵ Id., Art. 48.

⁶ Id., Art. 50.

⁷ Id., Art. 56.

⁸ Id., Art. 58.

India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Republic of Korea, Kuwait, Laos, Lebanon, Liberia, Libya, Luxembourg, Malaya, Mali, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Senegal, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Viet Nam and Yugoslavia.

MEANS OF FINANCIAL SUPPORT

The Assembly apportions the expenses of the Organization among the Contracting States "on the basis which it shall from time to time determine."¹ It may suspend the voting power of any member in default.² The Council assesses capital funds required for air navigation facilities "in previously agreed proportions over a reasonable period of time to the contracting states consenting thereto whose airlines use the facilities".³

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Organization is a specialized agency of the United Nations and has an agreement as such with the United Nations of May 13, 1947. It also has relations with the International Hydrographic Bureau and the International Institute for the Unification of Private Law.

HEADQUARTERS

Its headquarters are in the International Aviation Building, 1080 University Street (3), Montreal, Canada. It has regional offices at Ejército Nacional 42, Dept. 1, Mexico 5, D.F.; Apartado 4127, Lima, Peru; Sala Santitham Rajadomnoen Ave., Bangkok, Thailand; 60 bis, avenue d'Iéna, Paris XVIe, France; Wadie Saad Building, Sharia Salah el Dine, Zamalek, Cairo, Egypt.

¹ Id., Art. 61.

² Id., Art. 62.

³ Id., Art. 73.

CONVENTION ON INTERNATIONAL CIVIL AVIATION¹

December 7, 1944 as amended to 1959

PREAMBLE

WHEREAS the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security; and

WHEREAS it is desirable to avoid friction and to promote that co-operation between nations and peoples upon which the peace of the world depends;

THEREFORE, the undersigned governments having agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically;

Have accordingly concluded this Convention to that end.

PART I

AIR NAVIGATION

Chapter I – General Principles and Application of the Convention

Art. 1. The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

Art. 2. For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

Art. 3. (a) This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft.

(b) Aircraft used in military, customs and police services shall be deemed to be state aircraft.

(c) No state aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with the terms thereof.

(d) The contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft.

Art. 4. Each contracting State agrees not to use civil aviation for any purpose inconsistent with the aims of this Convention.

¹ ICAO Second edition, 1959, supplied by the Secretariat.

Chapter II – Flight over Territory of Contracting States

Art. 5. Each contracting State agrees that all aircraft of the other contracting States, being aircraft not engaged in scheduled international air services shall have the right, subject to the observance of the terms of this Convention, to make flights into or in transit non-stop across its territory and to make stops for non-traffic purposes without the necessity of obtaining prior permission, and subject to the right of the State flown over to require landing. Each contracting State nevertheless reserves the right, for reasons of safety of flight, to require aircraft desiring to proceed over regions which are inaccessible or without adequate air navigation facilities to follow prescribed routes, or to obtain special permission for such flights.

Such aircraft, if engaged in the carriage of passengers, cargo, or mail for remuneration or hire on other than scheduled international air services, shall also, subject to the provisions of Article 7, have the privilege of taking on or discharging passengers, cargo, or mail, subject to the right of any State where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable.

Art. 6. No scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State, and in accordance with the terms of such permission or authorization.

Art. 7. Each contracting State shall have the right to refuse permission to the aircraft of other contracting States to take on in its territory passengers, mail and cargo carried for remuneration or hire and destined for another point within its territory. Each contracting State undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State.

Art. 8. No aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a contracting State without special authorization by that State and in accordance with the terms of such authorization. Each contracting State undertakes to insure that the flight of such aircraft without a pilot in regions open to civil aircraft shall be so controlled as to obviate danger to civil aircraft.

Art. 9. (a) Each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between the aircraft of the State whose territory is involved, engaged in international scheduled airline services, and the aircraft of the other contracting States likewise engaged. Such prohibited areas shall be of reasonable extent and location so as not to interfere unnecessarily with air navigation. Descriptions of such prohibited areas in the territory of a contracting State, as well as any subsequent alterations therein, shall be communicated as soon as possible to the other contracting States and to the International Civil Aviation Organization.

(b) Each contracting State reserves also the right, in exceptional circumstances or during a period of emergency, or in the interest of public safety, and with immediate effect, temporarily to restrict or prohibit flying over the whole or any part of its territory, on condition that such restriction or prohibition shall be applicable without distinction of nationality to aircraft of all other States.

(c) Each contracting State, under such regulations as it may prescribe may require any aircraft entering the areas contemplated in sub-paragraphs (a) or (b) above to effect a landing as soon as practicable thereafter at some designated airport within its territory.

Art. 10. Except in a case where, under the terms of this Convention or a special authorization, aircraft are permitted to cross the territory of a contracting State without landing, every aircraft which enters the territory of a contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a contracting State, such aircraft shall depart from a similarly designated customs airport. Particulars of all designated customs airports shall be published by the State and transmitted to the International Civil Aviation Organization established under Part II of this Convention for communication to all other contracting States.

Art. 11. Subject to the provisions of this Convention, the laws and regulations of a contracting State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all contracting States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

Art. 12. Each contracting State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.

Art. 13. The laws and regulations of a contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.

Art. 14. Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as

the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the contracting States may be parties.

Art. 15. Every airport in a contracting State which is open to public use by its national aircraft shall likewise, subject to the provisions of Article 68, be open under uniform conditions to the aircraft of all the other contracting States. The like uniform conditions shall apply to the use, by aircraft of every contracting State, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation.

Any charges that may be imposed or permitted to be imposed by a contracting State for the use of such airports and air navigation facilities by the aircraft of any other contracting State shall not be higher,

(a) As to aircraft not engaged in scheduled international air services than those that would be paid by its national aircraft of the same class engaged in similar operations, and

(b) As to aircraft engaged in scheduled international air services, than those that would be paid by its national aircraft engaged in similar international air services.

All such charges shall be published and communicated to the International Civil Aviation Organization: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned. No fees, dues or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a contracting State or persons or property thereon.

Art. 16. The appropriate authorities of each of the contracting States shall have the right, without unreasonable delay, to search aircraft of the other contracting States on landing or departure, and to inspect the certificates and other documents prescribed by this Convention.

Chapter III – Nationality of Aircraft

Art. 17. Aircraft have the nationality of the State in which they are registered.

Art. 18. An aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another.

Art. 19. The registration or transfer of registration of aircraft in any contracting State shall be made in accordance with its laws and regulations.

Art. 20. Every aircraft engaged in international air navigation shall bear its appropriate nationality and registration marks.

Art. 21. Each contracting State undertakes to supply to any other contracting State or to the International Civil Aviation Organization, on demand, information concerning the registration and ownership of any

particular aircraft registered in that State. In addition, each contracting State shall furnish reports to the International Civil Aviation Organization, under such regulations as the latter may prescribe, giving such pertinent data as can be made available concerning the ownership and control of aircraft registered in that State and habitually engaged in international air navigation. The data thus obtained by the International Civil Aviation Organization shall be made available by it on request to the other contracting States.

Chapter IV – Measures to Facilitate Air Navigation

Art. 22. Each contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite navigation by aircraft between the territories of contracting States, and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance.

Art. 23. Each contracting State undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. Nothing in this Convention shall be construed as preventing the establishment of customs-free airports.

Art. 24. (a) Aircraft on a flight to, from, or across the territory of another contracting State shall be admitted temporarily free of duty, subject to the customs regulations of the State. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores on board an aircraft of a contracting State, on arrival in the territory of another contracting State and retained on board on leaving the territory of that State shall be exempt from customs duty, inspection fees or similar national or local duties and charges. This exemption shall not apply to any quantities or articles unloaded, except in accordance with the customs regulations of the State, which may require that they shall be kept under customs supervision.

(b) Spare parts and equipment imported into the territory of a contracting State for incorporation in or use on an aircraft of another contracting State engaged in international air navigation shall be admitted free of customs duty, subject to compliance with the regulations of the State concerned, which may provide that the articles shall be kept under customs supervision and control.

Art. 25. Each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking search for missing aircraft, will collaborate in co-ordinated measures which may be recommended from time to time pursuant to this Convention.

Art. 26. In the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving

death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident, in accordance, so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

Art. 27. (a) While engaged in international air navigation, any authorized entry of aircraft of a contracting State into the territory of another contracting State or authorized transit across the territory of such State with or without landings shall not entail any seizure or detention of the aircraft or any claim against the owner or operator thereof or any other interference therewith by or on behalf of such State or any person therein, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is an infringement of any patent, design, or model duly granted or registered in the State whose territory is entered by the aircraft, it being agreed that no deposit of security in connection with the foregoing exemption from seizure or detention of the aircraft shall in any case be required in the State entered by such aircraft.

(b) The provisions of paragraph (a) of this Article shall also be applicable to the storage of spare parts and spare equipment for the aircraft and the right to use and install the same in the repair of an aircraft of a contracting State in the territory of any other contracting State, provided that any patented part or equipment so stored shall not be sold or distributed internally in or exported commercially from the contracting State entered by the aircraft.

(c) The benefits of this Article shall apply only to such States, parties to this Convention, as either (1) are parties to the International Convention for the Protection of Industrial Property and to any amendments thereof; or (2) have enacted patent laws which recognize and give adequate protection to inventions made by the nationals of the other States parties to this Convention.

Art. 28. Each contracting State undertakes, so far as it may find practicable, to:

(a) Provide, in its territory, airports, radio services, meteorological services and other air navigation facilities to facilitate international air navigation, in accordance with the standards and practices recommended or established from time to time, pursuant to this Convention;

(b) Adopt and put into operation the appropriate standard systems of communications procedure, codes, markings, signals, lighting and other operational practices and rules which may be recommended or established from time to time, pursuant to this Convention;

(c) Collaborate in international measures to secure the publication of aeronautical maps and charts in accordance with standards which may be recommended or established from time to time, pursuant to this Convention.

Chapter V – Conditions to be Fulfilled with Respect to Aircraft

Art. 29. Every aircraft of a contracting State, engaged in international navigation, shall carry the following documents in conformity with the conditions prescribed in this Convention:

- (a) Its certificate of registration;
- (b) Its certificate of airworthiness;
- (c) The appropriate licenses for each member of the crew;
- (d) Its journey log book;
- (e) If it is equipped with radio apparatus, the aircraft radio station license;
- (f) If it carries passengers, a list of their names and places of embarkation and destination;
- (g) If it carries cargo, a manifest and detailed declarations of the cargo.

Art. 30. (a) Aircraft of each contracting State may, in or over the territory of other contracting States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the contracting State whose territory is flown over shall be in accordance with the regulations prescribed by that State.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

Art. 31. Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

Art. 32. (a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

(b) Each contracting State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another contracting State.

Art. 33. Certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other contracting States, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention.

Art. 34. There shall be maintained in respect of every aircraft engaged in international navigation a journey log book in which shall be entered particulars of the aircraft, its crew and of each journey, in such form as may be prescribed from time to time pursuant to this Convention.

Art. 35. (a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State. Each State shall deter-

mine by regulations what constitutes munitions of war or implements of war for the purposes of this Article, giving due consideration, for the purposes of uniformity, to such recommendations as the International Civil Aviation Organization may from time to time make.

(b) Each contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a): provided that no distinction is made in this respect between its national aircraft engaged in international navigation and the aircraft of the other States so engaged; and provided further that no restriction shall be imposed which may interfere with the carriage and use on aircraft of apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers.

Art. 36. Each contracting State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

Chapter VI – International Standards and Recommended Practices

Art. 37. Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with:

- (a) Communications systems and air navigation aids, including ground marking;
- (b) Characteristics of airports and landing areas;
- (c) Rules of the air and air traffic control practices;
- (d) Licensing of operating and mechanical personnel;
- (e) Airworthiness of aircraft;
- (f) Registration and identification of aircraft;
- (g) Collection and exchange of meteorological information;
- (h) Log books;
- (i) Aeronautical maps and charts;
- (j) Customs and immigration procedures;
- (k) Aircraft in distress and investigation of accidents;

and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.

Art. 38. Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the inter-

national standard. In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations or practices shall give notice to the Council within sixty days of the adoption of the amendment to the international standard, or indicate the action which it proposes to take. In any such case, the Council shall make immediate notification to all other states of the difference which exists between one or more features of an international standard and the corresponding national practice of that State.

Art. 39. (a) Any aircraft or part thereof with respect to which there exist an international standard of airworthiness or performance, and which failed in any respect to satisfy that standard at the time of its certification, shall have endorsed on or attached to its airworthiness certificate a complete enumeration of the details in respect of which it so failed.

(b) Any person holding a license who does not satisfy in full the conditions laid down in the international standard relating to the class of license or certificate which he holds shall have endorsed on or attached to his license a complete enumeration of the particulars in which he does not satisfy such conditions.

Art. 40. No aircraft or personnel having certificates or licenses so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered. The registration or use of any such aircraft, or of any certificated aircraft part, in any State other than that in which it was originally certificated shall be at the discretion of the State into which the aircraft or part is imported.

Art. 41. The provisions of this Chapter shall not apply to aircraft and aircraft equipment of types of which the prototype is submitted to the appropriate national authorities for certification prior to a date three years after the date of adoption of an international standard of airworthiness for such equipment.

Art. 42. The provisions of this Chapter shall not apply to personnel whose licenses are originally issued prior to a date one year after initial adoption of an international standard of qualification for such personnel; but they shall in any case apply to all personnel whose licenses remain valid five years after the date of adoption of such standard.

PART II

THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Chapter VII – The Organization

Art. 43. An organization to be named the International Civil Aviation Organization is formed by the Convention. It is made up of an Assembly, a Council, and such other bodies as may be necessary.

Art. 44. The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to:

(a) Insure the safe and orderly growth of international civil aviation throughout the world;

(b) Encourage the arts of aircraft design and operation for peaceful purposes;

(c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation;

(d) Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

(e) Prevent economic waste caused by unreasonable competition;

(f) Insure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines;

(g) Avoid discrimination between contracting States;

(h) Promote safety of flight in international air navigation;

(i) Promote generally the development of all aspects of international civil aeronautics.

Art. 45. The permanent seat of the Organization shall be at such place as shall be determined at the final meeting of the Interim Assembly of the Provisional International Civil Aviation Organization set up by the Interim Agreement on International Civil Aviation signed at Chicago on December 7, 1944. The seat may be temporarily transferred elsewhere by decision of the Council; and otherwise than temporarily by decision of the Assembly, such decision to be taken by the number of votes specified by the Assembly. The number of votes so specified will not be less than three-fifths of the total number of Contracting States.

Art. 46. The first meeting of the Assembly shall be summoned by the Interim Council of the above-mentioned Provisional Organization as soon as the Convention has come into force, to meet at a time and place to be decided by the Interim Council.

Art. 47. The Organization shall enjoy in the territory of each contracting State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

Chapter VIII – The Assembly

Art. 48. (a) The Assembly shall meet not less than once in three years and shall be convened by the Council at a suitable time and place. Extraordinary meetings of the Assembly may be held at any time upon the call of the Council or at the request of any ten contracting States addressed to the Secretary General.

(b) All contracting States shall have an equal right to be represented at the meetings of the Assembly and each contracting State shall be entitled to one vote. Delegates representing contracting States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

(c) A majority of the contracting States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided in this Convention, decisions of the Assembly shall be taken by a majority of the votes cast.

Art. 49. The powers and duties of the Assembly shall be to:

- (a) Elect at each meeting its President and other officers;
- (b) Elect the contracting States to be represented on the Council, in accordance with the provisions of Chapter IX;
- (c) Examine and take appropriate action on the reports of the Council and decide on any matter referred to it by the Council;
- (d) Determine its own rules of procedure and establish such subsidiary commissions as it may consider to be necessary or desirable;
- (e) Vote annual budgets and determine the financial arrangements of the Organization, in accordance with the provisions of Chapter XII;
- (f) Review expenditures and approve the accounts of the Organization;
- (g) Refer, at its discretion, to the Council, to subsidiary commissions, or to any other body any matter within its sphere of action;
- (h) Delegate to the Council the powers and authority necessary or desirable for the discharge of the duties of the Organization and revoke or modify the delegations of authority at any time;
- (i) Carry out the appropriate provisions of Chapter XIII;
- (j) Consider proposals for the modification or amendment of the provisions of this Convention and, if it approves of the proposals, recommend them to the contracting States in accordance with the provisions of Chapter XXI;
- (k) Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

Chapter IX – The Council

Art. 50. (a) The Council shall be a permanent body responsible to the Assembly. It shall be composed of twenty-one contracting States elected by the Assembly. An election shall be held at the first meeting of the Assembly and thereafter every three years, and the members of the Council so elected shall hold office until the next following election.

(b) In electing the members of the Council, the Assembly shall give adequate representation to (1) the States of chief importance in air transport; (2) the States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and (3) the States not otherwise included whose designation will insure that all the major geographic areas of the world are represented on the Council. Any vacancy on the Council shall be filled by the Assembly as soon as possible; any contracting State so elected to the Council shall hold office for the unexpired portion of its predecessor's term of office.

(c) No representative of a contracting State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

Art. 51. The Council shall elect its President for a term of three years. He may be re-elected. He shall have no vote. The Council shall elect from among its members one or more Vice Presidents who shall retain their right to vote when serving as acting President. The President need not be selected from among the representatives of the members of the Council but, if a representative is elected, his seat shall be deemed vacant

and it shall be filled by the State which he represented. The duties of the President shall be to:

- (a) Convene meetings of the Council, the Air Transport Committee, and the Air Navigation Commission;
- (b) Serve as representative of the Council; and
- (c) Carry out on behalf of the Council the functions which the Council assigns to him.

Art. 52. Decisions by the Council shall require approval by a majority of its members. The Council may delegate authority with respect to any particular matter to a committee of its members. Decisions of any committee of the Council may be appealed to the Council by any interested contracting State.

Art. 53. Any contracting State may participate, without a vote, in the consideration by the Council and by its committees and commissions of any question which especially affects its interests. No member of the Council shall vote in the consideration by the Council of a dispute to which it is a party.

Art. 54. The Council shall:

- (a) Submit annual reports to the Assembly;
- (b) Carry out the directions of the Assembly and discharge the duties and obligations which are laid on it by this Convention;
- (c) Determine its organization and rules of procedure;
- (d) Appoint and define the duties of an Air Transport Committee, which shall be chosen from among the representatives of the members of the Council, and which shall be responsible to it;
- (e) Establish an Air Navigation Commission, in accordance with the provisions of Chapter X;
- (f) Administer the finances of the Organization in accordance with the provisions of Chapters XII and XV;
- (g) Determine the emoluments of the President of the Council;
- (h) Appoint a chief executive officer who shall be called the Secretary General, and make provision for the appointment of such other personnel as may be necessary, in accordance with the provisions of Chapter XI;
- (i) Request, collect, examine and publish information relating to the advancement of air navigation and the operation of international air services, including information about the costs of operation and particulars of subsidies paid to airlines from public funds;
- (j) Report to contracting States any infraction of this Convention, as well as any failure to carry out recommendations or determinations of the Council;
- (k) Report to the Assembly any infraction of this Convention where a contracting State has failed to take appropriate action within a reasonable time after notice of the infraction;
- (l) Adopt, in accordance with the provisions of Chapter VI of this Convention, international standards and recommended practices; for convenience, designate them as Annexes to this Convention; and notify all contracting States of the action taken;
- (m) Consider recommendations of the Air Navigation Commission for

amendment of the Annexes and take action in accordance with the provisions of Chapter XX;

(n) Consider any matter relating to the Convention which any contracting State refers to it.

Art. 55. The Council may:

(a) Where appropriate and as experience may show to be desirable, create subordinate air transport commissions on a regional or other basis and define groups of states or airlines with or through which it may deal to facilitate the carrying out of the aims of this Convention;

(b) Delegate to the Air Navigation Commission duties additional to those set forth in the Convention and revoke or modify such delegations of authority at any time;

(c) Conduct research into all aspects of air transport and air navigation which are of international importance, communicate the results of its research to the contracting States, and facilitate the exchange of information between contracting States on air transport and air navigation matters;

(d) Study any matters affecting the organization and operation of international air transport, including the international ownership and operation of international air services on trunk routes, and submit to the Assembly plans in relation thereto;

(e) Investigate, at the request of any contracting State, any situation which may appear to present avoidable obstacles to the development of international air navigation; and, after such investigation, issue such reports as may appear to it desirable.

Chapter X – The Air Navigation Commission

Art. 56. The Air Navigation Commission shall be composed of twelve members appointed by the Council from among persons nominated by contracting States. These persons shall have suitable qualifications and experience in the science and practice of aeronautics. The Council shall request all contracting States to submit nominations. The President of the Air Navigation Commission shall be appointed by the Council.

Art. 57. The Air Navigation Commission shall:

(a) Consider, and recommend to the Council for adoption, modifications of the Annexes to this Convention;

(b) Establish technical subcommissions on which any contracting State may be represented, if it so desires;

(c) Advise the Council concerning the collection and communication to the contracting States of all information which it considers necessary and useful for the advancement of air navigation.

Chapter XI – Personnel

Art. 58. Subject to any rules laid down by the Assembly and to the provisions of this Convention, the Council shall determine the method of appointment and of termination of appointment, the training, and the salaries, allowances, and conditions of service of the Secretary-General and

other personnel of the Organization, and may employ or make use of the services of nationals of any contracting State.

Art. 59. The President of the Council, the Secretary-General and other personnel shall not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organization. Each contracting State undertakes fully to respect the international character of the responsibilities of the personnel and not to seek to influence any of its nationals in the discharge of their responsibilities.

Art. 60. Each contracting State undertakes, so far as possible under its constitutional procedure, to accord to the President of the Council, the Secretary-General, and the other personnel of the Organization, the immunities and privileges which are accorded to corresponding personnel of other public international organizations. If a general international agreement on the immunities and privileges of international civil servants is arrived at, the immunities and privileges accorded to the President, the Secretary-General, and the other personnel of the Organization shall be the immunities and privileges accorded under that general international agreement.

Chapter XII – Finance

Art. 61. The Council shall submit to the Assembly annual budgets, annual statements of accounts and estimates of all receipts and expenditures. The Assembly shall vote the budgets with whatever modification it sees fit to prescribe, and, with the exception of assessments under Chapter XV to States consenting thereto, shall apportion the expenses of the Organization among the contracting States on the basis which it shall from time to time determine.

Art. 62. The Assembly may suspend the voting power in the Assembly and in the Council of any contracting State that fails to discharge within a reasonable period its financial obligations to the Organization.

Art. 63. Each contracting State shall bear the expenses of its own delegation to the Assembly and the remuneration, travel, and other expenses of any person whom it appoints to serve on the Council, and of its nominees or representatives on any subsidiary committees or commissions of the Organization.

Chapter XIII – Other International Arrangements

Art. 64. The Organization may, with respect to air matters within its competence directly affecting world security, by vote of the Assembly enter into appropriate arrangements with any general organization set up by the nations of the world to preserve peace.

Art. 65. The Council, on behalf of the Organization, may enter into agreements with other international bodies for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, may enter into such other arrangements as may facilitate the work of the Organization.

Art. 66. (a) The Organization shall also carry out the functions

placed upon it by the International Air Services Transit Agreement and by the International Air Transport Agreement drawn up at Chicago on December 7, 1944, in accordance with the terms and conditions therein set forth.

(b) Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement or the International Air Transport Agreement drawn up at Chicago on December 7, 1944, shall not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreement.

PART III

INTERNATIONAL AIR TRANSPORT

Chapter XIV – Information and Reports

Art. 67. Each contracting State undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statistics and financial statements showing among other things all receipts and the sources thereof.

Chapter XV – Airports and Other Air Navigation Facilities

Art. 68. Each contracting State may, subject to the provisions of this Convention, designate the route to be followed within its territory by any international air service and the airports which any such service may use.

Art. 69. If the Council is of the opinion that the airports or other air navigation facilities, including radio and meteorological services, of a contracting State are not reasonably adequate for the safe, regular, efficient and economical operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose. No contracting State shall be guilty of an infraction of this Convention if it fails to carry out these recommendations.

Art. 70. A contracting State, in the circumstances arising under the provisions of Article 69, may conclude an arrangement with the Council for giving effect to such recommendations. The State may elect to bear all of the costs involved in any such arrangement. If the State does not so elect, the Council may agree, at the request of the State, to provide for all or a portion of the costs.

Art. 71. If a contracting State so requests, the Council may agree to provide, man, maintain, and administer any or all of the airports and other air navigation facilities, including radio and meteorological services, required in its territory for the safe, regular, efficient and economical operation of the international air services of the other contracting States, and may specify just and reasonable charges for the use of the facilities provided.

Art. 72. Where land is needed for facilities financed in whole or in part by the Council at the request of a contracting State, that State shall either

provide the land itself, retaining title if it wishes, or facilitate the use of the land by the Council on just and reasonable terms and in accordance with the laws of the State concerned.

Art. 73. Within the limit of the funds which may be made available to it by the Assembly under Chapter XII, the Council may make current expenditures for the purposes of this Chapter from the general funds of the Organization. The Council shall assess the capital funds required for the purposes of this Chapter in previously agreed proportions over a reasonable period of time to the contracting States consenting thereto whose airlines use the facilities. The Council may also assess to States that consent, any working funds that are required.

Art. 74. When the Council, at the request of a contracting State, advances funds or provides airports or other facilities in whole or in part, the arrangement may provide, with the consent of that State, for technical assistance in the supervision and operation of the airports and other facilities, and for the payment, from the revenues derived from the operation of the airports and other facilities, of the operating expenses of the airports and the other facilities and of interest and amortization charges.

Art. 75. A contracting State may at any time discharge any obligation into which it has entered under Article 70, and take over airports and other facilities which the Council has provided in its territory pursuant to the provisions of Articles 71 and 72, by paying to the Council an amount which in the opinion of the Council is reasonable in the circumstances. If the State considers that the amount fixed by the Council is unreasonable it may appeal to the Assembly against the decision of the Council and the Assembly may confirm or amend the decision of the Council.

Art. 76. Funds obtained by the Council through reimbursement under Article 75 and from receipts of interest and amortization payments under Article 74 shall, in the case of advances originally financed by States under Article 73, be returned to the States which were originally assessed in the proportion of their assessments, as determined by the Council.

Chapter XVI – Joint Operating Organizations and Pooled Services

Art. 77. Nothing in this Convention shall prevent two or more contracting States from constituting joint air transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such organizations or agencies and such pooled services shall be subject to all the provisions of this Convention, including those relating to the registration of agreements with the Council. The Council shall determine in what manner the provisions of this Convention relating to nationality of aircraft shall apply to aircraft operated by international operating agencies.

Art. 78. The Council may suggest to contracting States concerned that they form joint organizations to operate air services on any routes or in any regions.

Art. 79. A State may participate in joint operating organizations or in pooling arrangements, either through its government or through an airline

company or companies designated by its government. The companies may, at the sole discretion of the State concerned, be state-owned or partly state-owned or privately owned.

PART IV

FINAL PROVISIONS

Chapter XVII – Other Aeronautical Agreements and Arrangements

Art. 80. Each contracting State undertakes, immediately upon the coming into force of this Convention, to give notice of denunciation of the Convention relating to the Regulation of Aerial Navigation signed at Paris on October 13, 1919 or the Convention on Commercial Aviation signed at Havana on February 20, 1928, if it is a party to either. As between contracting States, this Convention supersedes the Conventions of Paris and Havana previously referred to.

Art. 81. All aeronautical agreements which are in existence on the coming into force of this Convention, and which are between a contracting State and any other State or between an airline of a contracting State and any other State or the airline of any other State, shall be forthwith registered with the Council.

Art. 82. The contracting States accept this Convention as abrogating all obligations and understandings between them which are inconsistent with its terms, and undertake not to enter into any such obligations and understandings. A contracting State which, before becoming a member of the Organization has undertaken any obligations toward a non-contracting State or a national of a contracting State or of a non-contracting State inconsistent with the terms of this Convention, shall take immediate steps to procure its release from the obligations. If an airline of any contracting State has entered into any such inconsistent obligations, the State of which it is a national shall use its best efforts to secure their termination forthwith and shall in any event cause them to be terminated as soon as such action can lawfully be taken after the coming into force of this Convention.

Art. 83. Subject to the provisions of the preceding Article, any contracting State may make arrangements not inconsistent with the provisions of this Convention. Any such arrangement shall be forthwith registered with the Council, which shall make it public as soon as possible.

Chapter XVIII – Disputes and Default

Art. 84. If any disagreement between two or more contracting States relating to the interpretation or application of this Convention and its Annexes cannot be settled by negotiation, it shall, on the application of any State concerned in the disagreement, be decided by the Council. No member of the Council shall vote in the consideration by the Council of any dispute to which it is a party. Any contracting State may, subject to Article 85, appeal from the decision of the Council to an *ad hoc* arbitral tribunal agreed upon with the other parties to the dispute or to the Per-

manent Court of International Justice. Any such appeal shall be notified to the Council within sixty days of receipt of notification of the decision of the Council.

Art. 85. If any contracting State party to a dispute in which the decision of the Council is under appeal has not accepted the Statute of the Permanent Court of International Justice and the contracting States parties to the dispute cannot agree on the choice of the arbitral tribunal, each of the contracting States parties to the dispute shall name a single arbitrator who shall name an umpire. If either contracting State party to the dispute fails to name an arbitrator within a period of three months from the date of the appeal, an arbitrator shall be named on behalf of that State by the President of the Council from a list of qualified and available persons maintained by the Council. If, within thirty days, the arbitrators cannot agree on an umpire, the President of the Council shall designate an umpire from the list previously referred to. The arbitrators and the umpire shall then jointly constitute an arbitral tribunal. Any arbitral tribunal established under this or the preceding Article shall settle its own procedure and give its decisions by majority vote, provided that the Council may determine procedural questions in the event of any delay which in the opinion of the Council is excessive.

Art. 86. Unless the Council decides otherwise, any decision by the Council on whether an international airline is operating in conformity with the provisions of this Convention shall remain in effect unless reversed on appeal. On any other matter, decisions of the Council shall, if appealed from, be suspended until the appeal is decided. The decisions of the Permanent Court of International Justice and of an arbitral tribunal shall be final and binding.

Art. 87. Each contracting State undertakes not to allow the operation of an airline of a contracting State through the airspace above its territory if the Council has decided that the airline concerned is not conforming to a final decision rendered in accordance with the previous Article.

Art. 88. The Assembly shall suspend the voting power in the Assembly and in the Council of any contracting State that is found in default under the provisions of this Chapter.

Chapter XIX – War

Art. 89. In case of war, the provisions of this Convention shall not affect the freedom of action of any of the contracting States affected, whether as belligerents or as neutrals. The same principle shall apply in the case of any contracting State which declares a state of national emergency and notifies the fact to the Council.

Chapter XX – Annexes

Art. 90. (a) The adoption by the Council of the Annexes described in Article 54, sub-paragraph (I), shall require the vote of two-thirds of the Council at a meeting called for that purpose and shall then be submitted by the Council to each contracting State. Any such Annex or any amend-

ment of an Annex shall become effective within three months after its submission to the contracting States or at the end of such longer period of time as the Council may prescribe, unless in the meantime a majority of the contracting States register their disapproval with the Council.

(b) The Council shall immediately notify all contracting States of the coming into force of any Annex or amendment thereto.

Chapter XXI – Ratifications, Adherences, Amendments, and Denunciations

Art. 91. (a) This Convention shall be subject to ratification by the signatory States. The instruments of ratification shall be deposited in the archives of the Government of the United States of America, which shall give notice of the date of the deposit to each of the signatory and adhering States.

(b) As soon as this Convention has been ratified or adhered to by twenty-six States it shall come into force between them on the thirtieth day after deposit of the twenty-sixth instrument. It shall come into force for each State ratifying thereafter on the thirtieth day after the deposit of its instrument of ratification.

(c) It shall be the duty of the Government of the United States of America to notify the government of each of the signatory and adhering States of the date on which this Convention comes into force.

Art. 92. (a) This Convention shall be open for adherence by members of the United Nations and States associated with them, and States which remained neutral during the present world conflict.

(b) Adherence shall be effected by a notification addressed to the Government of the United States of America and shall take effect as from the thirtieth day from the receipt of the notification by the Government of the United States of America, which shall notify all the contracting States.

Art. 93. States other than those provided for in Articles 91 and 92 (a) may, subject to approval by any general international organization set up by the nations of the world to preserve peace, be admitted to participation in this Convention by means of a four-fifths vote of the Assembly and on such conditions as the Assembly may prescribe; provided that in each case the assent of any State invaded or attacked during the present war by the State seeking admission shall be necessary.

Art. 94. (a) Any proposed amendment to this Convention must be approved by a two-thirds vote of the Assembly and shall then come into force in respect of States which have ratified such amendment when ratified by the number of contracting States specified by the Assembly. The number so specified shall not be less than two-thirds of the total number of contracting States.

(b) If in its opinion the amendment is of such a nature as to justify this course, the Assembly in its resolution recommending adoption may provide that any State which has not ratified within a specified period after the amendment has come into force shall thereupon cease to be a member of the Organization and a party to the Convention.

Art. 95. (a) Any contracting State may give notice of denunciation

of this Convention three years after its coming into effect by notification addressed to the Government of the United States of America, which shall at once inform each of the contracting States.

(b) Denunciation shall take effect one year from the date of the receipt of the notification and shall operate only as regards the State effecting the denunciation.

Chapter XXII – Definitions

Art. 96. For the purpose of this Convention the expression:

(a) “Air service” means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.

(b) “International air service” means an air service which passes through the air space over the territory of more than one State.

(c) “Airline” means any air transport enterprise offering or operating an international air service.

(d) “Stop for non-traffic purposes” means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

Signature of Convention

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having been duly authorized, sign this Convention on behalf of their respective governments on the dates appearing opposite their signatures.

DONE at Chicago the seventh day of December 1944, in the English language. A text drawn up in the English, French, and Spanish languages¹ each of which shall be of equal authenticity, shall be open for signature at Washington, D.C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign or adhere to this Convention.

¹ The Convention was signed in the English original version formulated at the International Civil Aviation Conference which took place at Chicago from 1 November to 7 December 1944. No trilingual text has been opened for signature as provided for in the Convention.

The Government of the United States of America in the note of the State Department of 22 September 1947 addressed to the Chiefs of Mission of the Governments concerned, after having drawn their attention to the various problems involved in this respect and to the fact that the Convention as drawn up at the Chicago Conference did not place a specific responsibility upon the United States Government, as depositary of the Convention, to prepare the trilingual text, concluded: “The Department of State considers that it is not advisable to proceed at this time with preparations to open for signature at Washington trilingual texts of those documents. On the contrary, the United States Government proposes to present the question to the Council of the International Civil Aviation Organization with a request that the question be placed on the agenda for the next meeting of the Assembly of that Organization. It is believed that this procedure will afford the most efficacious means by which the governments concerned may, after due consideration of all the factors and problems involved, make such decisions with respect thereto as they deem appropriate”.

AGREEMENT BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

May 13, 1947, as amended December 11, 1948

PREAMBLE

Article 57 of the Charter of the United Nations makes provision for bringing the specialized agencies, established by inter-governmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health and related fields, into relationship with the United Nations.

Article 64 of the Convention on International Civil Aviation provides that the International Civil Aviation Organization may, with respect to air matters within its competence, directly affecting world security, enter into appropriate arrangements with any general organization set up by the nations of the world to preserve peace. Article 65 of the Convention provides that the Organization may enter into agreements with international bodies for the maintenance of common service, for common arrangements concerning personnel and for the facilitation of its work.

Therefore the United Nations and the International Civil Aviation Organization agree as follows:

Art. 1. The United Nations recognizes the International Civil Aviation Organization as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

APPLICATIONS FOR MEMBERSHIP BY CERTAIN STATES

Art. 2. Any application submitted to the International Civil Aviation Organization by States other than those provided for in articles 91 and 92 (a) of the Convention on International Civil Aviation to become parties to the Convention, shall be immediately transmitted by the secretariat of the Organization to the General Assembly of the United Nations. The General Assembly may recommend the rejection of such application, and any such recommendation shall be accepted by the Organization. If no such recommendation is made by the General Assembly at the first session following receipt of the application, the application shall be decided upon by the Organization in accordance with the procedure established in article 93 of the Convention.

RECIPROCAL REPRESENTATION

Art. 3. 1. Representatives of the United Nations shall be invited to attend the meetings of the Assembly of the International Civil Aviation Organization, the Council of the Organization and their commissions and committees and such general regional or other special meetings as the

Organization may convene, and to participate, without vote, in the deliberations of these bodies.

2. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the Economic and Social Council and of its own commissions and committees and to participate, without vote, in the deliberations of these bodies with respect to items on their agenda relating to civil aviation matters.

3. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the General Assembly of the United Nations for the purposes of consultation on civil aviation matters.

4. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the main Committees of the General Assembly when civil aviation matters are under discussion, and to participate, without vote, in such discussions.

5. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the Trusteeship Council of the United Nations and to participate, without vote, in the deliberations thereof, with respect to items on its agenda relating to civil aviation matters.

6. Written statements submitted by the International Civil Aviation Organization on matters relating to civil aviation shall be distributed as soon as possible by the Secretariat of the United Nations to all members of the principal and subsidiary organs of the United Nations, and their commissions or committees as appropriate. Similarly, written statements of any of the principal or subsidiary organs of the United Nations and their commissions or committees shall be distributed as soon as possible by the secretariat of the Organization to all members of the Assembly or Council of the Organization as appropriate.

PROPOSAL OF AGENDA ITEMS

Art. 4. After such preliminary consultation as may be necessary, the International Civil Aviation Organization shall include on the agenda of the Assembly or Council of the Organization items proposed to it by the United Nations. Reciprocally the Economic and Social Council and its commissions, and the Trusteeship Council shall include on their agenda items proposed by the Assembly or Council of the Organization.

RECOMMENDATIONS OF THE UNITED NATIONS

Art. 5. 1. The International Civil Aviation Organization, having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the function and power of the Economic and Social Council, under Article 62 of the Charter, to make or initiate studies and reports with respect to international, economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the co-

ordination of the policies and activities of such specialized agencies, agrees to arrange for the submission, as soon as possible, to its appropriate organ of all formal recommendations which the United Nations may make to it.

2. The International Civil Aviation Organization agrees to enter into consultation with the United Nations upon request, with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Organization or by its members to give effect to such recommendations, or on the other results of their consideration.

3. The International Civil Aviation Organization affirms its intention of co-operating in whatever measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it agrees to participate in, and to co-operate with any body or bodies which the Economic and Social Council may establish for the purpose of facilitating such co-ordination, and to furnish such information as may be required for the carrying out of this purpose.

EXCHANGE OF INFORMATION AND DOCUMENTS

Art. 6. 1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the International Civil Aviation Organization.

2. Without prejudice to the generality of the provisions of paragraph 1:

(a) The International Civil Aviation Organization agrees to transmit to the United Nations regular reports on its activities;

(b) The International Civil Aviation Organization agrees to comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the condition set forth in article 16; and

(c) The Secretary-General of the United Nations shall, upon request, consult with the appropriate officer of the Organization with respect to the furnishing to the Organization of such information as may be of special interest to it.

ASSISTANCE TO THE SECURITY COUNCIL

Art. 7. The International Civil Aviation Organization agrees to co-operate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council may request, including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security.

ASSISTANCE TO THE TRUSTEESHIP COUNCIL

Art. 8. The International Civil Aviation Organization agrees to co-operate with the Trusteeship Council in the carrying out of its functions, and in particular agrees that it will to the greatest extent possible render such assistance as the Trusteeship Council may request in regard to matters with which the Organization is concerned.

NON-SELF-GOVERNING TERRITORIES

Art. 9. The International Civil Aviation Organization agrees to co-operate with the United Nations in giving effect to the principles and obligations set forth in Chapter XI of the Charter with regard to matters affecting the well-being and development of the peoples of Non-Self-Governing Territories.

RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

Art. 10. 1. The International Civil Aviation Organization agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

2. The General Assembly of the United Nations authorizes the International Civil Aviation Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities other than questions concerning the mutual relationships of the International Civil Aviation Organization and the United Nations or other specialized agencies.

3. Such request may be addressed to the Court by the Assembly or the Council of the International Civil Aviation Organization.

4. When requesting the International Court of Justice to give an advisory opinion, the International Civil Aviation Organization shall inform the Economic and Social Council of the request.

HEADQUARTERS AND REGIONAL OFFICES

Art. 11. 1. The International Civil Aviation Organization, having regard to the desirability of the headquarters of specialized agencies being situated at the permanent seat of the United Nations and to the advantages that flow from such centralization, agrees to consult the United Nations before making any further decision concerning the location of its permanent headquarters.

2. Having due regard to the special needs of international civil aviation, any regional or branch offices which the International Civil Aviation Organization may establish shall, so far as is practicable, be closely associated with such regional or branch offices as the United Nations may establish.

PERSONNEL ARRANGEMENTS

Art. 12. 1. The United Nations and the International Civil Aviation Organization recognize that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative co-ordination, and with this end in view agree to develop common personnel standards, methods and arrangements designed to avoid unjustified differences in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the International Civil Aviation Organiza-

tion agree to co-operate to the fullest extent possible in achieving these ends and in particular they agree:

(a) To consult together concerning the establishment of an International Civil Service Commission to advise on the means by which common standards of recruitment in the secretariats of the United Nations and of the specialized agencies may be ensured;

(b) To consult together concerning other matters relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules, with a view to securing as much uniformity in these matters as shall be found practicable;

(c) To co-operate in the interchange of personnel, when desirable, on a temporary or a permanent basis, making due provision for the retention of seniority and pension rights;

(d) To co-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connexion with the employment of personnel and related matters.

STATISTICAL SERVICES

Art. 13. 1. The United Nations and the International Civil Aviation Organization agree to strive for maximum co-operation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication, standardization, improvement and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burdens placed upon national Governments and other organizations from which such information may be collected.

2. The International Civil Aviation Organization recognizes the United Nations as the central agency for the collection, analysis, publication, standardization, improvement and dissemination of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the International Civil Aviation Organization as the central agency responsible for the collection, analysis, publication, standardization, improvement and dissemination of statistics within its special sphere, without prejudice to the rights of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world.

4. The United Nations shall, in consultation with the International Civil Aviation Organization and with the other specialized agencies where appropriate, develop administrative instruments and procedures through which effective statistical co-operation may be secured between the United Nations and the agencies brought into relationship with it.

5. It is recognized as desirable that the collection of statistical information shall not be duplicated by the United Nations or any of its specialized

agencies whenever it is practicable for any of them to utilize information or material which another may have available.

6. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the International Civil Aviation Organization for incorporation in its basic statistical series or special reports should, so far as practicable, be made available to the United Nations.

7. It is agreed that data supplied to the United Nations for incorporation in its basic statistical series or special reports should, so far as practicable and appropriate, be made available to the International Civil Aviation Organization.

ADMINISTRATIVE AND TECHNICAL SERVICES

Art. 14. 1. The United Nations and the International Civil Aviation Organization recognize the desirability, in the interest of administrative and technical uniformity and of the most efficient use of personnel and resources, of avoiding whenever possible the establishment and operation of competitive or overlapping facilities and services among the United Nations and the specialized agencies.

2. Accordingly, the United Nations and the International Civil Aviation Organization agree to consult together concerning the establishment and use of common administrative and technical services and facilities in addition to those referred to in articles 12, 13 and 15, in so far as the establishment and use of such services may from time to time be found practicable and appropriate.

3. Arrangements shall be made between the United Nations and the International Civil Aviation Organization with regard to the registration and deposit of official documents.

BUDGETARY AND FINANCIAL ARRANGEMENTS

Art. 15. 1. The International Civil Aviation Organization recognizes the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and of the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of co-ordination and uniformity with respect to these operations shall be secured.

2. The United Nations and the International Civil Aviation Organization agree to co-operate to the fullest extent possible in achieving these ends, and to consult together concerning the desirability of making appropriate arrangements for the inclusion of the budget of the Organization within a general budget of the United Nations. Any such arrangements which may be made shall be defined in a supplementary agreement between the two Organizations.

3. The Secretary-General of the United Nations and the appropriate officer of the International Aviation Civil Organization shall arrange for consultation in connexion with the preparation of the budget.

4. The International Civil Aviation Organization agrees to transmit its proposed budget to the United Nations annually at the same time as such budget is transmitted to its members. The General Assembly shall examine the administrative budget or proposed budget of the Organization and may make such recommendations as it may consider necessary.

5. Representatives of the International Civil Aviation Organization shall be entitled to participate, without vote, in the deliberations of the General Assembly or any Committee thereof at all times when the budget of the Organization or general administrative or financial questions affecting the Organization are under consideration.

6. The United Nations may undertake the collection of contributions from those members of the International Civil Aviation Organization which are also Members of the United Nations, in accordance with such arrangements as may be defined by a later agreement between the United Nations and the Organization.

7. The United Nations shall, upon its own initiative or upon the request of the International Civil Aviation Organization, arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organization and to other specialized agencies, with a view to the provision of common services and the securing of uniformity in such matters.

8. The International Civil Aviation Organization agrees to conform, as far as may be practicable, to standard practices and forms recommended by the United Nations.

FINANCING OF SPECIAL SERVICES

Art. 16. 1. In the event of the International Civil Aviation Organization being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with articles 6, 7, 8, or with other provisions of this Agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the International Civil Aviation Organization shall similarly take place with a view to making such arrangements as may be found equitable for covering the cost of central administrative, technical or fiscal services or facilities or other special assistance provided by the United Nations.

INTER-AGENCY AGREEMENTS

*Art. 17.*¹ The officials of the International Civil Aviation Organization shall have the right to use the *laissez-passer* of the United Nations in accordance with special arrangements to be negotiated between the Secretary-General of the United Nations and the competent authority of the International Civil Aviation Organization.

Art. 18. The International Civil Aviation Organization agrees to in-

¹ This article was inserted by a supplementary agreement of December 11, 1948.

form the Economic and Social Council of the nature and scope of any formal agreement between the Organization and any other specialized agency, inter-governmental or non-governmental organization, and to inform the Economic and Social Council before any such agreement is concluded.

LIAISON

Art. 19. 1. The United Nations and the International Civil Aviation Organization agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two Organizations. They affirm their intention of taking whatever further measure may be necessary to make this liaison fully effective.

2. The liaison arrangements provided for in the foregoing articles of this Agreement shall apply as far as appropriate to the relations between such branch or regional offices as may be established by the two Organizations, as well as between their headquarters.

IMPLEMENTATION OF THE AGREEMENT

Art. 20. The Secretary-General of the United Nations and the appropriate officer of the International Civil Aviation Organization may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable, in the light of the operating experience of the two Organizations.

OTHER ARRANGEMENTS

Art. 21. The present Agreement shall not preclude the conclusion of further appropriate arrangements between the International Civil Aviation Organization and the United Nations with respect to air matters within the competence of the Organization directly affecting world security as contemplated in the Convention on International Civil Aviation.

REVISION

Art. 22. This Agreement shall be subject to revision by agreement between the United Nations and the International Civil Aviation Organization.

ENTRY INTO FORCE

Art. 23. This Agreement shall come into force on its approval by the General Assembly of the United Nations and the Assembly of the International Civil Aviation Organization.

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INTERNATIONAL COFFEE ORGANIZATION

NOTE

An International Coffee Agreement drawn up on September 24, 1959, charges the Commission of the Coffee Study Group, a body with its seat in Washington, to make, in cooperation with the competent international organizations, the studies necessary to draw up a long term international coffee agreement and establish an organization. The 1959 Agreement, in the meantime, effective from October 1, 1959, for one year and renewable, lays down export quotas for coffee, provides for consultation and co-operation to ensure the equitable distribution of these quotas over the year, and provides for the co-ordination of a publicity campaign to increase the demand for coffee.

The Agreement was signed by Brazil, Cameroun, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, the French Community, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Peru, Portugal, and Venezuela. Belgium and the United Kingdom signed declarations of co-operation and providing for export quotas in respect of the Belgian Congo and Ruanda Urundi, Kenya, Tanganyika and Uganda.

The execution of the Agreement is the responsibility of a Board of Directors and its secretariat was to be provided, until the Board should make its own provisions, by the secretariat of the Latin American Coffee Agreement.

The latter was drawn up on September 27, 1958, by the Latin American countries which met in Washington to participate in the Coffee Study Group, for a period of one year from October 1, 1958, to September 30, 1959. It established reserve quotas of exportable coffee for each producing country and authorized a Board of Directors to make certain decisions regarding the timing and placing of exports.

Previous coffee agreements, usually inter-American, were drawn up in 1947 and 1949.

FINAL ACT OF THE NEGOTIATIONS FOR THE CONCLUSION OF AN INTERNATIONAL COFFEE AGREEMENT

September 24, 1959

PREAMBLE

The Governments of the countries signing this Agreement,

Aware of the risks that the present imbalance between coffee production and its consumption represent, and of the constant accumulation of stocks in the producing countries, whose economies and standards of living are dependent mainly on the trade of this basic product,

Agree that it is necessary, at the earliest possible opportunity, to effect studies that will permit coming to a long-term agreement capable of providing adequate solutions to a situation that is injurious equally to the interests of producers and consumers, and to insure normalization of trade in the coming years,

Decide to charge the respective Commission of the Coffee Study Group, whose seat is Washington, with effecting such studies with all possible diligence, with the co-operation of the competent international institutions, especially the United Nations Food and Agriculture Organization, the International Bank for Reconstruction and Development and specialized organs of the United Nations, and that, upon termination of the said studies, it propose a draft long-term agreement. These studies, wherein it will be advisable to have the participation of consuming countries, shall consider problems of production, consumption, stocks, and international trade; and, as an immediate step,

Decide to adopt the following provisions, which constitute a short-term agreement whose execution is intended, on the one hand, to prevent the deterioration of prices, which are injurious to the economies of all, and, on the other hand, to express the spirit of solidarity and co-operation which should serve as inspiration for the long-term agreement desired by all, a spirit which the Latin-American countries have already demonstrated during the last two coffee years.

AGREEMENT

Purpose

Art. 1. The purpose of the International Coffee Agreement is to adapt the supply of coffee to the demand for it, to insure the orderly placement of the product in world markets, and to foster its consumption throughout

the world, thus contributing to the intensification of trade between producing and consuming countries.

Duration

Art. 2. The Agreement shall be in force for one year, effective October 1, 1959, and it may be renewed at the initiative of the Board of Directors after consultation with the signatory countries.

Board of Directors

Art. 3. Control of the execution of the Agreement and creation and adoption of all measures necessary for its application shall be the responsibility of a Board of Directors. This Board shall be composed of a representative from each signatory country or his alternates. The Board of Directors shall elect from among the chief delegates, and in a personal capacity, a Chairman and a Vice-Chairman, who may not delegate their authority. The Secretary-General of the Latin-American Coffee Agreement shall be in charge of performing the secretariat work of the present Agreement until the Board of Directors reaches a definite decision in this respect at its first meeting.

The Board of Directors, in addition to the duties and powers established by this Agreement, shall adopt its own regulations, approve its budget, issue reports on its activities, and settle special questions arising from the application of this Agreement and not covered herein.

The seat of the Board of Directors shall be the city of Washington, D.C. The Board of Directors shall meet at least once every two months, and it may meet in special session whenever a majority of the signatory countries request it. The Board of Directors will meet normally at its seat, except when it is deemed advisable to meet elsewhere.

Approval of Resolutions

Art. 4. Every act of the Board of Directors shall reflect the opinion of the majority of the signatory countries. The consent of each country shall be required in every instance for it to be bound by the decisions of the Board of Directors.

Consultation Among Participating Countries

Art. 5. Meetings that groups of signatory countries having common interests may hold for the adoption of additional measures tending to strengthen the objectives of the Agreement shall be under the auspices of the Board of Directors, who shall request the co-operation of the other signatory countries.

Quotas

Art. 6. The signatory countries bind themselves to limit their coffee exports for the period of October 1, 1959, to September 30, 1960, in accordance with the quotas shown in Annex 1, or in accordance with those resulting from provisions set forth below.

The quotas were established while taking into account: (a) a figure of 90% of the exports that took place during the best calendar year of the last decade (1949-1958); (b) a maximum figure of 88% of the actual exportable production, according to the estimates of the United States Department of Agriculture.

For countries with an exportable production of less than two million bags, the Board of Directors, at the request of the said countries, shall proceed to readjust their quotas to a maximum of 88% of the exportable production estimated by the United States Department of Agriculture according to figures published in January and March of 1960.

Quotas are understood to be applicable to countries considered to be traditional consumers. Exports to the new markets covered in the list in Annex 2 shall be subject to the control established in accordance with the methods provided for in the said Annex.

Quotas assigned to countries shall not be transferable from one to another, either in part or in whole.

Flow of Exports

Art. 7. The signatory countries may maintain their own export rate, but they bind themselves to combine their efforts so that the total export quota shall be proportionately and equitably distributed quarterly, in order to balance supply and demand.

To insure control of exports, the Board of Directors may employ the services of specialized auditing organizations of international standing.

Internal Consumption

Art. 8. Each signatory country binds itself to adopt all measures that may tend to produce a substantial increase in its internal consumption.

Publicity

Art. 9. The signatory countries consider it indispensable to carry out a publicity campaign for the purpose of increasing the demand for coffee in consuming countries. This campaign shall be co-ordinated by the Board of Directors.

The countries signing this Agreement have established a work program for this purpose; it appears in Annex 3. This work program shall be submitted to the Governments for its special consideration. During its first session the Board of Directors shall issue a definitive statement on this program.

Admission of New Members

Art. 10. The present Agreement, while it is in force, shall be open to signature by the other producing countries that have not been able to give their approval as of the date of signature. The Board of Directors shall establish the conditions under which admission of the said countries may be accepted.

In witness whereof the representatives of the countries enumerated

below, members of the Coffee Study Group, sign the present Final Act of the negotiations pertaining to the establishment of an Agreement for the stabilization of the international coffee market.

The countries whose constitutional procedures require ratification shall be bound from the date on which they deposit the corresponding instruments with the Secretariat of the Board of Directors; however, the said countries bind themselves immediately to take all possible administrative measures for the execution of this Agreement and to insure its faithful and loyal application.

Signed in the city of Washington, D.C., on the twenty-fourth day of September in the year one thousand nine hundred fifty-nine, in three equally authentic copies, in the French, Portuguese and Spanish languages, which copies shall be deposited with the Secretariat of the Board of Directors, which shall forward certified copies thereof to the signatory countries.

ANNEX 1

Foreign Export Quotas for the Coffee Year 1959-1960

(Article 6)

(Thousands of 60-kilo bags)

Brazil	17,431
Colombia	5,969
Costa Rica	694
Cuba	312
Dominican Republic	398
Ecuador	455
El Salvador	1,259
French Community and State of Cameroun	638
Guatemala	1,085
Haiti	500
Honduras	176
Mexico	1,303
Nicaragua	344
Panama	10
Peru	251
Portugal	1,165
Venezuela	660

ANNEX 2

New Markets

Coffee exports that signatory countries make to new markets shall not be charged to their respective quotas. The following countries are understood to be "new markets": Bulgaria, Ceylon, mainland China, China (Taiwan), Hungary, Iran, Iraq, Japan, Republic of Korea, Democratic People's Republic of Korea, the Philippines, Poland, Roumania, Thailand,

Union of Soviet Socialist Republics, Republic of Viet-Nam, and Democratic Republic of Viet-Nam.

In order that shipments made to a new market will not be diverted or re-exported to the traditional market, the exporting country shall require from the importing country the banking or contractual guarantees necessary for this purpose.

Coffee bags destined for new markets shall be marked in such a way as to be easily identifiable at any time, and exporting countries shall advise the Board of Directors of these markings. The respective shipping documents shall specify the ultimate port of destination, and in no instance can shipments be made with an option as to the port of destination. In no instance will sales on consignment be permitted.

Whenever a signatory country exports coffee to a new market, it shall notify the Board of Directors within 30 days following date of shipment; the country concerned shall furnish all the detailed information necessary to enable the Board of Directors to ascertain that the requirements established in this Agreement have been met.

All shipments destined to a new market that are diverted or re-exported, whether in part or in whole, to traditional markets shall be deducted from the export quota of the producing country by the Board of Directors.

The Board of Directors shall endeavor to insure that the importing countries require the certificate of origin and the customs certificate on each shipment, in order thus to facilitate the control of possible re-exports, from new markets to traditional markets.

ANNEX 3

Work Program for the Publicity Campaign to Increase Coffee Consumption

(Art. 9)

1. In order to finance the publicity campaign provided for in Article 9 of the Agreement, the signatory countries bind themselves to turn in a contribution to the Board of Directors. This contribution shall be of up to 25 cents, United States currency, or its equivalent in convertible currency, for each 60-kilo bag exported during the coffee year of October 1, 1958, to September 30, 1959, or its equivalent in coffee.

2. With reference to producing countries having special ties with France (States of the Community and the State of Cameroun), and also Portuguese overseas provinces, the contribution is fixed at 15 cents, United States currency, or its equivalent in convertible currency, for each 60-kilo bag exported during the above coffee year.

In order to round out the publicity activities, these same countries bind themselves to turn in to the respective publicity organizations a contribution based on purchases made, respectively, by France and Portugal while the Agreement is in force in the aforementioned countries.

3. Within the Board of Directors a five-member Commission, three of them appointed by the producing countries of Latin America and two appointed by the African countries, shall be in charge of distributing,

among the publicity organizations it deems appropriate, the contributions turned in by the signatory countries.

4. With reference to consuming countries in which there is a national publicity organization approved by the Board of Directors, the former shall receive a subsidy equivalent to at least two-thirds the amount of the contribution corresponding to its imports from the signatory countries.

The remainder shall be at the disposal of the Commission in order that it may finance specific publicity campaigns it may deem advisable.

5. The Commission mentioned in paragraph 3 likewise will be in charge of coordinating publicity activities undertaken by the various approved organizations and, in particular, to specify the media to be employed in consuming countries not having their own organization.

6. Signatory countries are urged to turn in, no later than 30 days after signing the Agreement, an amount equivalent to one-fourth their respective total contribution. Subsequent payments shall be made quarterly.

INTERNATIONAL COMMISSION FOR THE NORTHWEST ATLANTIC FISHERIES

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Commission for the Northwest Atlantic Fisheries was established by a Convention drawn up in Washington and signed on February 8, 1949.

Prior to the conference at which this Convention was established, conferences had been convened at London from 1937 to 1943, and in 1946 in order to consider the problem of the potential depletion of the fisheries of the entire North Atlantic Ocean. None of the agreements concluded at those prior conferences had entered into force. The 1949 conference restricted its consideration to certain areas covered by exact latitudinal and longitudinal descriptions.¹

The Convention entered into force on July 3, 1950 after the deposit of four instruments of ratification, in accordance with Art. 15.

"At any time after the expiration of ten years from the date of entry into force" of the Convention, any Contracting Government may withdraw "on December thirty-first of any year by giving notice on or before the preceding June thirtieth to the Depositary Government which shall communicate copies of such notice to the other Contracting Governments."²

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Preamble to the Convention states that the Convention had been concluded "for the investigation, protection and conservation of the fisheries of the Northwest Atlantic Ocean, in order to make possible the maintenance of a maximum sustained catch from those fisheries."

The Commission has authority to obtain and collate the information

¹ Convention, Art. 1.

² Id., Art. 16.

necessary for maintaining stocks of fish which support international fisheries in the Convention area and the Commission may, through or in collaboration with agencies of the Contracting Governments or other public or private agencies and organizations or, when necessary, independently:

(a) make investigations into the abundance, life history and ecology of any species of aquatic life in any part of the Northwest Atlantic Ocean;

(b) collect and analyse statistical information relating to the fishery resources of the Northwest Atlantic Ocean;

(c) study and appraise information concerning the methods for maintaining and increasing stocks of fish;

(d) hold hearings in connection with the development of complete factual information;

(e) conduct fishing operations in the Convention area for purposes of scientific investigation; and

(f) publish and disseminate reports of its findings as well as other reports.¹

ORGANS

The organs are:

(1) The Commission, composed of not more than three Commissioners for each Contracting Government, each Government having one vote, which meets annually.²

(2) Panels for each sub-area.³

(3) An Executive Secretary and staff.⁴

MEMBERSHIP

Its members are Canada, Denmark, France, Germany, Iceland, Italy, Norway, Portugal, Spain, United Kingdom and the United States.

MEANS OF FINANCIAL SUPPORT

Annual payments by member governments are required on the basis of \$ 500 each plus a number of shares of the balance of the expenses equal to the number of panels in which the member participates.⁵

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The organization co-operates with the Food and Agriculture Organization and the International Council for the Exploration of the Sea.

HEADQUARTERS

Its headquarters are at Halifax, Nova Scotia.

¹ Id., Art. 6. ² Id., Art. 2. ³ Id., Art. 4. ⁴ Id., Art. 3. ⁵ Id., Art. 11.

INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES¹

February 8, 1949

The Governments whose duly authorized representatives have subscribed hereto, sharing a substantial interest in the conservation of the fishery resources of the Northwest Atlantic Ocean, have resolved to conclude a convention for the investigation, protection and conservation of the fisheries of the Northwest Atlantic Ocean, in order to make possible the maintenance of a maximum sustained catch from those fisheries and to that end have, through their duly authorized representatives, agreed as follows:

Art. 1. 1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40' west longitude; thence due south to 39°00' north latitude; thence due east to 42°00' west longitude; thence due north to 59°00' north latitude; thence due west to 44°00' west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10' north latitude; thence southward to a point in 75°00' north latitude and 73°30' west longitude; thence along a rhumb line to a point in 69°00' north latitude and 59°00' west longitude; thence due south to 61°00' north latitude; thence due west to 64°30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Government in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. The Convention area shall be divided into five sub-areas, the boundaries of which shall be those defined in the Annex to this Convention, subject to such alterations as may be made in accordance with the provisions of paragraph 2 of Article 6.

Art. 2. 1. The Contracting Governments shall establish and maintain a Commission for the purposes of this Convention. The Commission shall be known as the International Commission for the Northwest Atlantic Fisheries, hereinafter referred to as "the Commission".

2. Each of the Contracting Governments may appoint not more than three Commissioners and one or more experts or advisers to assist its Commissioner or Commissioners.

¹ U.S. Treaties and other International Acts Series 2089.

3. The Commission shall elect from its members a Chairman and a Vice-Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but not to a succeeding term. The Chairman and Vice-Chairman must be Commissioners from different Contracting Governments.

4. The seat of the Commission shall be in North America at a place to be chosen by the Commission.

5. The Commission shall hold a regular annual meeting at its seat or at such place in North America as may be agreed upon by the Commission.

6. Any other meeting of the Commission may be called by the Chairman at such time and place as he may determine, upon the request of the Commissioner of a Contracting Government and subject to the concurrence of the Commissioners of two other Contracting Governments, including the Commissioner of a Government in North America.

7. Each Contracting Government shall have one vote which may be cast by any Commissioner from that Government. Decisions of the Commission shall be taken by a two-thirds majority of the votes of all the Contracting Governments.

8. The Commission shall adopt, and amend as occasion may require, financial regulations and rules and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

Art. 3. 1. The Commission shall appoint an Executive Secretary according to such procedure and on such terms as it may determine.

2. The staff of the Commission shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined and authorized by the Commission.

3. The Executive Secretary shall, subject to the general supervision of the Commission, have full power and authority over the staff and shall perform such other functions as the Commission shall prescribe.

Art. 4. 1. The Contracting Governments shall establish and maintain a Panel for each of the sub-areas provided for by Article 1, in order to carry out the objectives of this Convention. Each Contracting Government participating in any Panel shall be represented on such Panel by its Commissioner or Commissioners, who may be assisted by experts or advisers. Each Panel shall elect from its members a Chairman who shall serve for a period of two years and shall be eligible for re-election but not to a succeeding term.

2. After this Convention has been in force for two years, but not before that time, Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel concerned, to determine representation on each Panel on the basis of current substantial exploitation in the sub-area concerned of fishes of the cod group (*Gadiformes*), of flat-fishes (*Pleuronectiformes*), and of rosefish (*genus Sebastes*), except that each Contracting Government with coastline adjacent to a sub-area shall have the right of representation on the Panel for the sub-area.

3. Each Panel may adopt, and amend as occasion may require, rules of procedure and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

4. Each Government participating in a Panel shall have one vote, which shall be cast by a Commissioner representing that Government. Decisions of the Panel shall be taken by a two-thirds majority of the votes of all the Governments participating in that Panel.

5. Commissioners of Contracting Governments not participating in a particular Panel shall have the right to attend the meetings of such Panel as observers, and may be accompanied by experts and advisers.

6. The Panels shall, in the exercise of their functions and duties, use the services of the Executive Secretary and the staff of the Commission.

Art. 5. 1. Each Contracting Government may set up an Advisory Committee composed of persons, including fishermen, vessel owners and others, well informed concerning the problems of the fisheries of the Northwest Atlantic Ocean. With the assent of the Contracting Government concerned, a representative or representatives of an Advisory Committee may attend as observers all non-executive meetings of the Commission or of any Panel in which their Government participates.

2. The Commissioners of each Contracting Government may hold public hearings within the territories they represent.

Art. 6. 1. The Commission shall be responsible in the field of scientific investigation for obtaining and collating the information necessary for maintaining those stocks of fish which support international fisheries in the Convention area and the Commission may, through or in collaboration with agencies of the Contracting Governments or other public or private agencies and organizations or, when necessary, independently:

(a) make such investigations as it finds necessary into the abundance, life history and ecology of any species of aquatic life in any part of the Northwest Atlantic Ocean;

(b) collect and analyse statistical information relating to the current conditions and trends of the fishery resources of the Northwest Atlantic Ocean;

(c) study and appraise information concerning the methods for maintaining and increasing stocks of fish in the Northwest Atlantic Ocean;

(d) hold or arrange such hearings as may be useful or essential in connection with the development of complete factual information necessary to carry out the provisions of this Convention;

(e) conduct fishing operations in the Convention area at any time for purposes of scientific investigation;

(f) publish and otherwise disseminate reports of its findings and statistical, scientific and other information relating to the fisheries of the Northwest Atlantic Ocean as well as such other reports as fall within the scope of this Convention.

2. Upon the unanimous recommendation of each Panel affected, the Commission may alter the boundaries of the sub-areas set out in the Annex. Any such alteration shall forthwith be reported to the Depository Government which shall inform the Contracting Governments, and the sub-areas defined in the Annex shall be altered accordingly.

3. The Contracting Governments shall furnish to the Commission, at such time and in such form as may be required by the Commission, the statistical information referred to in paragraph 1 (b) of this Article.

Art. 7. 1. Each Panel established under Article 4 shall be responsible

for keeping under review the fisheries of its sub-area and the scientific and other information relating thereto.

2. Each Panel, upon the basis of scientific investigations, may make recommendations to the Commission for joint action by the Contracting Governments on the matters specified in paragraph 1 of Article 8.

3. Each Panel may recommend to the Commission studies and investigations within the scope of this Convention which are deemed necessary in the development of factual information relating to its particular sub-area.

4. Any Panel may make recommendations to the Commission for the alteration of the boundaries of the sub-areas defined in the Annex.

5. Each Panel shall investigate and report to the Commission upon any matter referred to it by the Commission.

6. A Panel shall not incur any expenditure except in accordance with directions given by the Commission.

Art. 8. 1. The Commission may, on the recommendations of one or more Panels, and on the basis of scientific investigations, transmit to the Depositary Government proposals for joint action by the Contracting Governments, designed to keep the stocks of those species of fish which support international fisheries in the Convention area at a level permitting the maximum sustained catch by the application, with respect to such species of fish, of one or more of the following measures:

- (a) establishing open and closed seasons;
- (b) closing to fishing such portions of a sub-area as the Panel concerned finds to be a spawning area or to be populated by small or immature fish;
- (c) establishing size limits for any species;
- (d) prescribing the fishing gear and appliances the use of which is prohibited;
- (e) prescribing an over-all catch limit for any species of fish.

2. Each recommendation shall be studied by the Commission and thereafter the Commission shall either

- (a) transmit the recommendation as a proposal to the Depositary Government with such modifications or suggestions as the Commission may consider desirable, or

- (b) refer the recommendation back to the Panel with comments for its reconsideration.

3. The Panel may, after reconsidering the recommendation returned to it by the Commission, reaffirm that recommendation, with or without modification.

4. If, after a recommendation is reaffirmed, the Commission is unable to adopt the recommendation as a proposal, it shall send a copy of the recommendation to the Depositary Government with a report of the Commission's decision. The Depositary Government shall transmit copies of the recommendation and of the Commission's report to the Contracting Governments.

5. The Commission may, after consultation with all the Panels, transmit proposals to the Depositary Government within the scope of paragraph 1 of this Article affecting the Convention area as a whole.

6. The Depositary Government shall transmit any proposal received

by it to the Contracting Governments for their consideration and may make such suggestions as will facilitate acceptance of the proposal.

7. The Contracting Governments shall notify the Depositary Government of their acceptance of the proposal, and the Depositary Government shall notify the Contracting Governments of each acceptance communicated to it, including the date of receipt thereof.

8. The proposal shall become effective for all Contracting Governments four months after the date on which notifications of acceptance shall have been received by the Depositary Government from all the Contracting Governments participating in the Panel or Panels for the sub-area or sub-areas to which the proposal applies.

9. At any time after the expiration of one year from the date on which a proposal becomes effective, any Panel Government for the sub-area to which the proposal applies may give to the Depositary Government notice of the termination of its acceptance of the proposal and, if that notice is not withdrawn, the proposal shall cease to be effective for that Panel Government at the end of one year from the date of receipt of the notice by the Depositary Government. At any time after a proposal has ceased to be effective for a Panel Government under this paragraph, the proposal shall cease to be effective for any other Contracting Government upon the date a notice of withdrawal by such Government is received by the Depositary Government. The Depositary Government shall notify all Contracting Governments of every notice under this paragraph immediately upon the receipt thereof.

Art. 9. The Commission may invite the attention of any or all Contracting Governments to any matters which relate to the objectives and purposes of this Convention.

Art. 10. 1. The Commission shall seek to establish and maintain working arrangements with other public international organizations which have related objectives, particularly the Food and Agriculture Organization of the United Nations and the International Council for the Exploration of the Sea, to ensure effective collaboration and coordination with respect to their work and, in the case of the International Council for the Exploration of the Sea, the avoidance of duplication of scientific investigations.

2. The Commission shall consider, at the expiration of two years from the date of entry into force of this Convention, whether or not it should recommend to the Contracting Governments that the Commission be brought within the framework of a specialized agency of the United Nations.

Art. 11. 1. Each Contracting Government shall pay the expenses of the Commissioners, experts and advisers appointed by it.

2. The Commission shall prepare an annual administrative budget of the proposed necessary administrative expenditures of the Commission and an annual special projects budget of proposed expenditures on special studies and investigations to be undertaken by or on behalf of the Commission pursuant to Article 6 or by or on behalf of any Panel pursuant to Article 7.

3. The Commission shall calculate the payments due from each Con-

tracting Government under the annual administrative budget according to the following formula:

(a) from the administrative budget there shall be deducted a sum of 500 United States dollars for each Contracting Government;

(b) the remainder shall be divided into such number of equal shares as corresponds to the total number of Panel memberships;

(c) the payment due from any Contracting Government shall be the equivalent of 500 United States dollars plus the number of shares equal to the number of Panels in which that Government participates.

4. The Commission shall notify each Contracting Government the sum due from that Government as calculated under paragraph 3 of this Article and as soon as possible thereafter each Contracting Government shall pay to the Commission the sum so notified.

5. The annual special projects budget shall be allocated to the Contracting Governments according to a scale to be determined by agreement among the Contracting Governments, and the sums so allocated to any Contracting Government shall be paid to the Commission by that Government.

6. Contributions shall be payable in the currency of the country in which the seat of the Commission is located, except that the Commission may accept payment in the currencies in which it may be anticipated that expenditures of the Commission will be made from time to time, up to an amount established each year by the Commission in connection with the preparation of the annual budgets.

7. At its first meeting the Commission shall approve an administrative budget for the balance of the first financial year in which the Commission functions and shall transmit to the Contracting Governments copies of that budget together with notices of their respective allocations.

8. In subsequent financial years, the Commission shall submit to each Contracting Government drafts of the annual budgets together with a schedule of allocations, not less than six weeks before the annual meeting of the Commission at which the budgets are to be considered.

Art. 12. The Contracting Governments agree to take such action as may be necessary to make effective the provisions of this Convention and to implement any proposals which become effective under paragraph 8 of Article 8. Each Contracting Government shall transmit to the Commission a statement of the action taken by it for these purposes.

Art. 13. The Contracting Governments agree to invite the attention of any Government not a party to this Convention to any matter relating to the fishing activities in the Convention area of the nationals or vessels of that Government which appear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention.

Art. 14. The Annex, as attached to this Convention and as modified from time to time, forms an integral part of this Convention.

Art. 15. 1. This Convention shall be ratified by the signatory Governments and the instruments of ratification shall be deposited with the Government of the United States of America, referred to in this Convention as the "Depositary Government".

2. This Convention shall enter into force upon the deposit of instru-

ments of ratification by four signatory Governments, and shall enter into force with respect to each Government which subsequently ratifies on the date of the deposit of its instrument of ratification.

3. Any Government which has not signed this Convention may adhere thereto by a notification in writing to the Depositary Government. Adherences received by the Depositary Government prior to the date of entry into force of this Convention shall become effective on the date this Convention enters into force. Adherences received by the Depositary Government after the date of entry into force of this Convention shall become effective on the date of receipt by the Depositary Government.

4. The Depositary Government shall inform all signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

5. The Depositary Government shall inform all Governments concerned of the date this Convention enters into force.

Art. 16. 1. At any time after the expiration of ten years from the date of entry into force of this Convention, any Contracting Government may withdraw from the Convention on December thirty-first of any year by giving notice on or before the preceding June thirtieth to the Depositary Government which shall communicate copies of such notice to the other Contracting Governments.

2. Any other Contracting Government may thereupon withdraw from this Convention on the same December thirty-first by giving notice to the Depositary Government within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1 of this Article.

Art. 17. 1. The original of this Convention shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the signatory Governments and all the adhering Governments.

2. The Depositary Government shall register this Convention with the Secretariat of the United Nations.

3. This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Convention.

DONE in Washington this eighth day of February 1949 in the English language.

ANNEX

1. The sub-areas provided for by Article 1 of this Convention shall be as follows:

Sub-area 1—That portion of the Convention area which lies to the north and east of a rhumb line from a point in 75°00' north latitude and 73°30' west longitude to a point in 69°00' north latitude and 59°00' west longitude; east of 59°00' west longitude; and to the north and east of a rhumb line from a point in 61°00' north latitude and 59°00' west longitude to a point in 52°15' north latitude and 42°00' west longitude.

Sub-area 2—That portion of the Convention area lying to the south and west of sub-area 1 defined above and to the north of the parallel of 52°15' north latitude.

Sub-area 3—That portion of the Convention area lying south of the parallel of 52°15' north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15' north latitude; to the north of the parallel of 39°00' north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passess through a point in 43°30' north latitude, 55°00' west longitude, in the direction of a point in 47°50' north latitude, 60°00' west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

Sub-area 4—That portion of the Convention area lying to the west of sub-area 3 defined above, and to the east of a line described as follows: beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44°46'35.34" north latitude, 66°54'11.23" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the meridian of 67°40' west longitude; thence due south to the parallel of 42°20' north latitude; thence due east to a point in 66°00' west longitude; thence along a rhumb line in a south-easterly direction to a point in 42°00' north latitude, 65°40' west longitude; thence due south to the parallel of 39°00' north latitude.

Sub-area 5—That portion of the Convention area lying west of the western boundary of sub-area 4 defined above.

2. For a period of two years from the date of entry into force of this Convention, Panel representation for each sub-area shall be as follows:

(a) *Sub-area 1*—Denmark, France, Italy, Norway, Portugal, Spain, United Kingdom;

(b) *Sub-area 2*—Denmark, France, Italy, Newfoundland;

(c) *Sub-area 3*—Canada, Denmark, France, Italy, Newfoundland, Portugal, Spain, United Kingdom;

(d) *Sub-area 4*—Canada, France, Italy, Newfoundland, Portugal, Spain, United States;

(e) *Sub-area 5*—Canada, United States;

it being understood that during the period between the signing of this Convention and the date of its entry into force, any signatory or adhering Government may, by notification to the Depositary Government, withdraw from the list of members of a Panel for any sub-area or be added to the list of members of the Panel for any sub-area on which it is not named.

The Depositary Government shall inform all the other Governments concerned of all such notifications received and the memberships of the Panels shall be altered accordingly.

INTERNATIONAL COMMISSION FOR THE SCIENTIFIC EXPLORATION OF THE MEDITERRANEAN SEA

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Commission was established at Madrid in November 1919 by an agreement between the Prince of Monaco and seven member States. Its present Statute was adopted April 26, 1929 and amended in 1958. The Statute provides that the work of the Commission shall continue for succeeding periods of five years unless denounced, any notice of denunciation to take effect one year following its receipt.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes of the organization are the scientific exploration of the Mediterranean, hydrography, hydrology, marine biology, physical and biological oceanography, exploration of marine resources and fisheries. The Commission determines a program of scientific work to be done by all contracting states.²

ORGANS

The organs are:

(1) a Commission, composed of delegates of member governments, which meets in Congress and Plenary Assembly every two years.³

(2) a Central Committee, composed of a President, five Vice-presidents and a Secretary General.⁴ The Central Committee meets at least once a year.⁵

¹ Statute, Art. 3.

² Id., Art. 14.

³ Id., Arts. 1, 13.

⁴ Id., Art. 7.

⁵ Id., Art. 10.

MEMBERSHIP

The members are France, Greece, Italy, Monaco, Morocco, Roumania, Spain, Tunisia, Turkey, Yugoslavia.

MEANS OF FINANCIAL SUPPORT

Contributions of members are decided by the plenary assembly of the Commission.¹

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has relations with the Food and Agriculture Organization, in particular with the General Fisheries Council of the Mediterranean, and with UNESCO.

HEADQUARTERS

Its headquarters are at 59, Avenue Raymond Poincaré, Paris 16e, France.

¹ *Id.*, Art. 4.

INTERNATIONAL COMMISSION FOR THE SCIENTIFIC EXPLORATION OF THE MEDITERRANEAN SEA STATUTE¹

April 26, 1929 as amended 1958

Art. 1. The International Commission for the Scientific Exploration of the Mediterranean Sea is a Deliberative Assembly composed of the Delegates from the Governments of the contracting States bordering on this sea and on the tributary seas.

Art. 2. The registered offices of the Commission of the Mediterranean Sea shall be at Monaco, at the Oceanographical Museum, in memory of His Serene Highness Prince Albert I of MONACO, its founder.

Art. 3. The Contracting States, in their capacity of Members of the International Commission for the Scientific Exploration of the Mediterranean Sea, shall undertake to participate in this exploration for a period of five years, subject to tacit extension of this agreement for another period of five years provided it has not been denounced on one year's notice given to the Secretary-General and so on from one five-year period to another.

Art. 4. This agreement shall involve the payment of a contribution to be decided by The Plenary Assembly.

Art. 5. Each Contracting State shall nominate by an official instrument the members of a National Commission from whose number its delegates shall be chosen.

Art. 6. Each Contracting State shall be entitled to one vote only, irrespective of the number of its representatives. This vote shall be cast by the qualified Delegate of each State.

Art. 7. The Plenary Assembly shall elect from among themselves a Central Committee comprising: one President, five Vice-Presidents and one Secretary-General of different nationalities.

Art. 8. By decision taken by the International Commission at a plenary meeting the Presidents and Secretary-General may, on having resigned their functions, continue to serve on the Central Committee in an honorary and advisory capacity.

Art. 9. The Central Committee shall be the executive and technical organ of the International Commission, and shall represent it during the interval between sessions; the Central Committee shall have full powers in budgetary matters. The President may convene two of the Vice-Presidents and the Secretary General for the purpose of taking urgent decisions.

Art. 10. The Central Committee shall meet at least once every year;

¹ Translated by A. Kroonenberg, The Hague, amendments of 1958 by D. P. Xydis.

in addition, meetings of the Committee may be called at the request of the delegates of three Governments of the Participating States; such meetings shall be convened by the Secretary-General in the place and on the dates appointed by the President.

Art. 11. The President and the Secretary-General shall be elected for a four year term of office and they shall be eligible for re-election. The five Vice-Presidents shall be elected a two year term and are eligible for re-election.

Art. 12. The Secretary-General shall attend to the administrative and financial functioning of the Commission under the supervision of the President.

Art. 13. The Commission shall meet in Congress and in plenary session every other year on being convened by the Secretary-General in the place and on the dates appointed by the President, in consultation with the delegates of the country in which the meeting is to be held.

Art. 14. The Commission in Plenary Assembly shall determine the programme of the scientific work to be done by all the Contracting States.

The resolutions of the Congress and Plenary Assembly shall be transmitted by the Government of the State in which the Assembly is held to the other Contracting States.

Art. 15. The publications of the International Commission for the Scientific Exploration of the Mediterranean Sea shall be issued in the French language as far as the administrative part and the official documents referring to the Commission are concerned.

Art. 16. The Plenary Assembly or the Central Committee shall draw up a list of the scientific or technical subjects that they shall deem worthy of being studied, and shall appoint a qualified rapporteur to deal with such subjects. The reports shall be handed to the Secretary-General on the dates appointed by him. The Central Committee shall have power to award grants to the rapporteurs in reward of their work.

Any rapporteur who, after a period of three years has elapsed since his appointment, has not sent in any report on the subject with which he had been charged shall have absolutely forfeited his rights; he shall be replaced as a matter of course by the Central Committee or, failing this, by the Secretary-General subject to the President's approval.

Art. 17. The present Statute shall rescind and replace all previous dispositions regulating the organization and the functioning of the Commission.

The text of the Statute is adopted unanimously.

INTERNATIONAL COMMISSION OF AGRICULTURAL INDUSTRIES

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Statute establishing the Commission was adopted on March 30, 1934 by an inter-governmental agreement concluded at the initiative of the French government. It took over the work of the International Commission set up in 1905 at the First International Technical and Chemical Congress on Sugar Refining and Distilling and of the International Commission established after the First International Congress of Pure and Applied Chemistry held in 1894. The Statute was revised on June 11, 1936. The Statute enters into force for each State on the day of deposit of ratification with the Secretary General.¹ Members may withdraw upon two years' notice.²

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes of the organization are to study scientific, technical and economic questions directly or indirectly affecting the food, agricultural and biological industries in various countries; co-ordinate the investigations in progress on those subjects, collect and disseminate the relevant documentation; draw up a plan of the scientific work, experiments and research that should be undertaken in connection with the food, agricultural and biological industries; given an opinion on such draft arrangements and conventions as may be submitted to it by governments and international organizations, ensure regular contact with national commissions of food, agricultural and biological industries; establish an international information center for questions of concern to the food, agricultural and biological industries; arrange for meetings of the international congresses dealing either with the whole of the food, agricultural

¹ Statute, Art. 24.

² Id., Art. 23.

and biological industries or with any particular branch of those industries; organize international exhibitions on the subject of the above-mentioned industries, either concurrently with the congresses or independently of the latter; serve as a link between international organizations having similar objects with a view to joint action.¹

ORGANS

The organs are:

(1) A General Assembly, composed of delegates of all member countries, each member having votes equal to one-tenth of the number of units of its subscribed quota.²

(2) A Central Committee, composed of the officers of the Commission, elected by the General Assembly, ex-Presidents of International Congresses of Agricultural industries and delegates appointed for each specialized section of agricultural industries.³

(3) Specialized Sections for each category of industry.⁴

(4) A Secretary-General.⁵

On June 12 and 13, 1958, Statutes and Regulations were adopted for a European Council of the *Codex Alimentarius*, composed of representatives of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Luxembourg, Norway, Netherlands, Poland, Spain, Sweden, Switzerland, Turkey and Yugoslavia, with its Secretariat provided and financed by the International Commission.

MEMBERSHIP

Its members are Argentina, Austria, Belgium, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, France, Greece, Guatemala, Honduras, Hungary, Italy, Japan, Laos, Liberia, Luxembourg, Mauritius, Mexico, Morocco, Netherlands, Nicaragua, Norway, Panama, Paraguay, Spain, Tunisia, Turkey, United Arab Republic, United States, Uruguay, Viet Nam and Yugoslavia.

MEANS OF FINANCIAL SUPPORT

Annual contributions by members are based on population and the specialized units of agricultural industries.⁶

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has working relations with the Food and Agriculture Organization.

HEADQUARTERS

Its headquarters are at 18 Avenue de Villars, Paris.

¹ Id., Art. 1. ² Id., Art. 4. ³ Id., Art. 8, 9. ⁴ Id., Art. 11. ⁵ Id., Art. 5.

⁶ Id., Art. 12.

INTERNATIONAL COMMISSION OF AGRICULTURAL INDUSTRIES

STATUTE¹

March 30, 1934

SEAT AND OBJECT OF THE COMMISSION

Art. 1. It shall be the task of the International Commission of Agricultural Industries, whose seat shall be at the Ministry of Agriculture, in Paris:

- to study the various questions of a scientific, technical, and economic nature, bearing directly or indirectly on the alimentary, agricultural and biological industries in the various different countries;

- to co-ordinate the studies undertaken relating to these different questions;

- to collect and distribute the relative documentation;

- to map out a program indicating the scientific work, experiments, and research affecting the alimentary, agricultural, and biological industries, which it would be suitable to undertake;

- to give advice on such draft agreements and conventions as may, should the occasion arise, be submitted to the Commission by the Governments and international organizations;

- to propose to the Governments any checks and measures of organization relating to production and exchanges that may seem useful to the Commission, after gathering the necessary sources of information;

- to ensure the maintenance of relations with the National Commissions on alimentary, agricultural, and biological industries;

- to set up an international documentation centre to deal with matters concerning the alimentary, agricultural, and biological industries;

- to organize the convening of International Congresses on either the whole of the alimentary, agricultural, and biological industries, or any given department of the said industries;

- to organize International Exhibitions relating to these industries, whether at the same time with such Congresses, or at any other time;

- to rally with a view to concerted action, the international organizations which have the same object wholly or partly.

OFFICIAL STATUS—CONSTITUTION

Art. 2. Those States which have accepted membership either for all of their possessions, or for one or several parts of the said possessions (parent state, overseas territories, colonies or protectorates), which they have indicated as separate members, shall be Members of the International Commission of Agricultural Industries. Each Member shall be represented by delegates of its choice, who shall remain in office until notice to the contrary is given.

¹ Translated by A. Kroonenberg, The Hague.

Former Presidents of International Congresses of Agricultural Industries and of their Executive Committees, as well as the Secretaries-General of such Congresses shall be entitled to hold the title of Correspondent of the International Commission of Agricultural Industries.

Art. 3. The International Commission of Agricultural Industries shall comprise a General Assembly, a Central Committee, and Specialized Sections whose composition and attributions are defined in the following articles.

Art. 4. The General Assembly of the International Commission of Agricultural Industries shall comprise all of its Members together. Each Member shall freely determine the number of its delegates, but shall only have a number of votes equal to one-tenth of the number of contribution units that it has subscribed, each fraction of votes being rounded off to the whole number immediately superior to it, plus one. Members having subscribed no contribution, shall have only one vote.

Nevertheless, the whole group constituted by a State, its overseas territories, colonies, and protectorates, may in no case dispose of a higher number of votes than that held by a State which has subscribed the maximum number of contribution units laid down in the present Statute. It shall be the same with the whole group formed by the overseas territories, colonies, and mandatory territories of a State which should not be a Member of the International Commission of Agricultural Industries in its capacity as parent country.

The correspondents of the ICAI shall, in the event of their not forming part of the delegation of the State to which they belong, only be present in the General Assembly in an advisory capacity.

Art. 5. From their own numbers the General Assembly shall elect one President, four Vice-Presidents, one Rapporteur-General, one Secretary-General, should the occasion arise, one Assistant Secretary-General, one Treasurer, and should the occasion arise, one Assistant Treasurer, the latter four if required, to be taken from outside the General Assembly.

The President, the Vice-Presidents, and the Rapporteur-General shall be elected for two years, and shall be indefinitely eligible for re-election.

The Secretary-General, the Assistant Secretary-General, the Treasurer, and the Assistant Treasurer shall be elected for six years, and their mandate may be renewed indefinitely. The Secretary-General shall ensure the operation of the International Commission of Agricultural Industries, under the supervision of the President, and through permanent delegation of the Central Committee.

The Treasurer shall be charged with anything regarding the books and finances of ICAI, whose expenditure, paid by him, shall be ordered by the Secretary-General.

Art. 6. The General Assembly shall meet once a year. Its sessions shall be held at Paris, unless otherwise decided on by the Central Committee.

Extraordinary sessions may be held on the initiative of the Central Committee. The Committee shall draw up the program of questions to be submitted to the General Assembly. Members requesting the convening of an extraordinary session shall announce the program of the questions that they recommend for examination.

Art. 7. The General Assembly shall have the supreme management of ICAI.

The General Assembly shall approve the plans prepared by the Central Committee as regards the organization and rules of procedure of ICAI. It shall determine the total amount of the expenditure, supervise and approve the latter, and, to this end, shall each year appoint a titular Auditing Commissioner, and, should the occasion arise, a deputy Commissioner.

The General Assembly shall present for the approval of the Members, any changes involving an increase in expenditure or an extension of the attributions of ICAI.

The representation of a Member of ICAI may be entrusted to the delegation of some other Member, but no delegation may exercise more than two representations.

CENTRAL COMMITTEE

Art. 8. The Central Committee constitutes the Board of Directors of ICAI. It shall meet at least twice a year. It shall see that the decisions of the Assembly are carried out, study and prepare the proposals to be submitted to the Assembly, and debate any question of an administrative nature concerning ICAI.

Art. 9. The Central Committee shall comprise:

1. Persons elected in conformity with the provisions of Art. 5;
2. Former Presidents of International Congresses of Agricultural Industries, and their Executive Committees, as well as Secretaries-General of the said Congresses;
3. Delegates nominated by the Members, at the rate of one delegate for each of the specialized sections listed in Art. 12 below.

Art. 10. In the event of the decease, or the resignation of the President, the Rapporteur-General, the Treasurer, or of the Secretary-General, the Central Committee shall make provision for their replacement by making a provisional appointment. They shall be definitively replaced at the following meeting of the General Assembly.

SPECIALIZED SECTIONS

Art. 11. ICAI shall comprise specialized sections for each class of industry; these sections may, if occasion offers, be subdivided into sub-sections.

The specialized sections shall be charged to study any questions relating to the respective industries, and to draw up proposals for the solution of such questions in behalf of the Central Committee.

Each Member may appoint representatives of its choice on the specialized sections in which it is regularly enrolled. However, whatever the number of its representatives may be, it shall have only one vote on each of the said sections.

CONTRIBUTION OF THE MEMBERS TO THE COMMISSION

Art. 12. The Members of ICAI are recommended to contribute to the expenditure of ICAI by paying an annual contribution the number of

units whereof, freely determined by each of them, shall be proportionate to its population, as well as to the total of the coefficients of the specialized sections on which it may wish to be represented.

For the application of the preceding provision five groups shall be created corresponding to a contribution scale established on the basis of the population of each State, in accordance with the following table:

Groups	Population in millions of inhabitants	number of units
1	More than 40 millions	4
2	25 to 40 millions	3
3	10 to 25 millions	2
4	3 to 10 millions	1.5
5	1 to 3 millions	1

On the other hand, and until otherwise decided on by the General Assembly, which shall be qualified to create new sections or modify their distribution, as well as the coefficients applying to them, the specialized sections shall be distributed as follows:

Coefficients

List of Industries	rounded off by sections	or separately by sub-sections
A. SUGAR MANUFACTURE AND INDUSTRIES OF SUGAR PRODUCTS .	1	
1. Industry of the manufacture of sugar		0.9
2. Industries of sugar products (molasses, invert sugar, confectionery and chocolate-based sweets, honey and substitutes, sweeteners)		0.3
B. FERMENTATION INDUSTRIES . .	2	
3. Industrial microbiology (yeast manufacture, antibiotics, etc.) .		0.1
4. Wine-growing and consumption alcohol industries. Cider, beverages from fermented fruits .		0.8
5. Vinegar making		0.1
6. Malt making, brewing		0.6
7. Various industries of industrial fermentation (mono-alcohols, acetone, poly-alcohols, non-volatile and volatile organic acids, etc.)		0.1
8. Industrial distilling of alcohol .		0.8

Coefficients

List of Industries	rounded off by sections	or separately by sub-sections
C. FOOD INDUSTRIES	3	
9. Flour manufacture and derived industries (bread making, manufacture of industrial pastes, semolina making, industry of alimentary pastes, biscuit and gingerbread making)		1
10. Industry of starch and derivatives (manufacture of corn-starch, potato-starch, dextrin, and glucose)		0.2
11. Industries of stimulant food products (chocolate, coffee, tea, etc.)		0.4
12. Dairying industries		1
13. Preserved foods industries, fruit juice and dried fruits		0.8
14. Other food industries (soya, proteins, cattle food, etc.)		0.3
15. D. INDUSTRIES OF FATTY SUBSTANCES	1	
E. INDUSTRIES OF WOOD, CELLULOSE, AND TEXTILE FIBRES	2	
16. Wood industry		1
17. Cellulose industry		0.7
18. Industry of natural textile fibres		0.5
F. VARIOUS AGRICULTURAL INDUSTRIES	2	
19. Tobacco industry		0.5
20. Industries of essences and essential oils, herborizing		0.2
21. Industries of gums, latex, and natural rubbers		0.6
22. Industries of tanning agents and natural dyes		0.1
23. Industries of leathers and hides .		0.5
24. Industries of by-products of slaughtering, skinning, hunting, fishing, etc.		0.2
25. Industries of natural medicinal products		0.2
26. Mineral-winning industries (peat, clay, lime, salt, etc.)		0.1

Coefficients

List of Industries	rounded off by sections	or separately by sub-sections
G. AUXILIARY INDUSTRIES OF AGRICULTURE	1	
27. Industries of fertilizers and soil improvers		0.6
28. Industries of parasite-killing agents		0.5
29. Industries of growth-regulating agents and hormones for agricultural purposes.		0.1
30. Refrigerating industry		0.3

The annual contribution corresponding to each contribution unit and payable in any currency that is freely negotiable, shall amount to 500 gold francs weighing 10/31 gram at 0.900 fine (monetary unit provided for in Art. 28 of the Universal Postal Convention of June 28, 1929).

The sums representing the contribution of each of the Members of the Commission shall be paid by the latter at the beginning of each year to the Treasurer of ICAI, at the place determined by the latter.

Art. 13. All publications of ICAI shall be sent to the Members of ICAI through the intermediary of the Secretary-General, the number of copies to be limited to the number of contribution units subscribed by each of them.

INTERNATIONAL CONGRESSES OF AGRICULTURAL INDUSTRIES.

Art. 14. ICAI, whose object is notably to organize International Congresses of Agricultural Industries, shall fix the place and the date of each Congress in the General Assembly. It shall also draw up the rules of procedure and determine the programme of such Congresses at the same time when it appoints the qualified reporters to treat various questions to which it has decided to give priority on the agenda.

The reports shall be remitted in triplicate to the Secretary-General of ICAI, who shall forward one copy of each report to the General Organizing Committee, which Committee shall see that the reports are published before the Congress is opened.

Art. 15. The State in which the Congress is to be held shall form a National Organizing Committee, assisted by an Executive Committee and a Secretary-General entrusted with the physical preparation of Congress. This Committee shall send the convening notices, receive registrations, and contributions, and shall see to the payment of the expenses of the Congress. The Committee shall see to the papers presented and the proposals drawn up with respect to the Congress, being printed and distributed in due time. The Committee shall choose the localities where the sessions are to be held; it shall engage the secretaries and translators required.

After the Congress the Organizing Committee shall, at the same time with the communications presented at the Congress, publish a report of

the proceedings. Copies of these publications shall be forwarded to all the Members of the Congress. The National Organizing Committee shall, in addition, see to it that three hundred copies of each of the publications of the Congress are sent to the Secretariat-General of ICAI. After the last volume of the proceedings has been published the National Committee shall send to the Secretariat-General all the relevant records, or, as the case may be, copies thereof.

Art. 16. The President of ICAI shall be by right President of the Congress.

Art. 17. The resolutions and recommendations of the Congress, shall, before being put to the vote, be examined in plenary session by the Central Committee of ICAI, to which for this purpose the delegates of the Members of ICAI present at such Congresses shall be added. This Assembly has every power to accept, modify or dismiss such resolutions or such recommendations.

Art. 18. The Central Committee of ICAI shall see to it that the decisions taken by the Congresses are carried out, and shall give notice of the recommendations expressed to the Governments or official organs concerned.

Art. 19. Any difficulties that might be occasioned by the application of the rules of procedure of the Congress, shall be submitted to the Central Committee of ICAI, which shall pass decisions without appeal.

APPLICATION AND AMENDMENT OF THE STATUTE

Art. 20. The Central Committee shall settle, if occasion offers, and subject to the approval of the General Assembly, any questions of detail relative to the execution of the present Statute.

Art. 21. Without prejudice to the provisions of paragraph 3 of article twelve above, a revision of the present Statute shall be proceeded with if at least two-thirds of the Member States should request this to be done. To this end a plenary conference shall be convened at six months' notice through the Secretariat-General.

Its program shall be communicated two months before the meeting of the Conference. The Secretary-General of ICAI shall act as Secretary-General of the Conference.

ACCESSION—RESIGNATION—RATIFICATION

Art. 22. Any State not yet a member of ICAI may at its request be admitted to accede by a vote of at least two-thirds of the States already members.

Copies of the decision taken in consideration thereof, as well as all the instruments of ratification, shall be deposited through the Secretary General of ICAI with the French Foreign Ministry.

Art. 23. Each of the Members of ICAI may withdraw from it by giving two years' notice and on condition that it first settles the amount of the contributions of the current year and the contributions in arrears, if any.

Art. 24. The present Statute shall be ratified. It shall enter into force for each Signatory State, from the day on which the instrument of ratification is deposited with the Secretariat General of ICAI.

INTERNATIONAL COMMISSION OF THE CAPE SPARTEL LIGHT

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This organization was established by a Convention signed in Paris on May 31, 1865 between the Sultan of Morocco and the Governments of Austria-Hungary, Belgium, France, Italy, Netherlands, Norway, Portugal, Spain, Sweden, the United Kingdom and the United States which became effective on February 14, 1867. Germany and Russia later approved the Convention but the USSR does not participate in the present Commission.

The Convention remains in force by tacit annual prolongations.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Commission's function is to manage, maintain and assure the permanent neutrality of the Cape Spartel Light, on the southerly side of the entrance to the Mediterranean Sea from the Atlantic Ocean, in order to insure the safety of shipping through the Straits of Gibraltar.²

ORGANS

The Commission is composed of the diplomatic representatives of the members at Tangier.

MEMBERSHIP

Its members are Austria, Belgium, France, Germany, Italy, Netherlands, Norway, Portugal, Spain, Sweden, the United Kingdom and the United States.

MEANS OF FINANCIAL SUPPORT

The Commission is supported by equal contributions from the participating nations.³

HEADQUARTERS

Its headquarters are in Tangier, Morocco.

¹ Convention, Art. 5.

² Id., Art. 3.

³ Id., Art. 2.

INTERNATIONAL COMMISSION OF THE CAPE SPARTEL LIGHT

CONVENTION OF MAY 31, 1865¹

Art. 1. His Sherifian Majesty, having, in the interest of humanity, ordered the construction, at the expense of the Government of Morocco, of a light-house at Cape Spartel, consents to delegate, throughout the duration of the present convention, the superior direction and administration of this establishment to the representatives of the contracting Powers. It is understood that this delegation does not import any encroachment on the proprietary and sovereign rights of the Sultan, whose flag alone shall be hoisted on the tower of the Pharos.

Art. 2. The Government of Morocco, not at this time having any navy either of war or commerce, the expenses necessary for maintaining and managing the light-house shall be borne by the contracting Powers by means of an annual contribution, the quota of which shall be alike for all of them. If, hereafter, the Sultan should have a naval or commercial navy, he binds himself to share in the expenses in like proportion with the other subscribing Powers. The expenses of repairs, and needed reconstruction, shall also be at his cost.

Art. 3. The Sultan will furnish for security of the light-house a guard, composed of a Kaid and four soldiers. He engages besides, to provide for, by all the means in his power, in case of war, whether internal or external, the preservation of this establishment, as well as for the safety of the keepers and persons employed. On the other part, the contracting Powers bind themselves, each so far as concerned, to respect the neutrality of the light-house, and to continue the payment of the contribution intended to uphold it, even in case (which God forbid) hostilities should break out either between them or between one of them and the Empire of Morocco.

Art. 4. The representatives of the contracting Powers, charged in virtue of Article 1 of the present convention, with the superior direction and management of the light-house, shall establish the necessary regulations for the service and superintendence of this establishment, and no modification shall be afterward applied to these articles, except by common agreement between the contracting Powers.

Art. 5. The present convention shall continue in force for ten years. In case, within six months of the expiration of this term, none of the high contracting parties should, by official declaration, have made known its purpose to bring to a close, so far as may concern it, the effects of this convention, it shall continue in force for one year more, and so from year to year, until due notice.

¹ Text from *Molloys Treaties, Conventions, International Arts, Protocols and Agreements between the United States and other Powers*, Vol. I, p. 1217.

Art. 6. The execution of the reciprocal engagements contained in the present convention is subordinated, so far as needful, to the accomplishment of the forms and regulations established by the constitutional laws of those of the high contracting Powers who are required to ask for their application thereto, which they bind themselves to do with the least possible delay.

Art. 7. The present convention shall be ratified, and the ratifications be exchanged at Tangier as soon as can be done.

In faith whereof the respective Plenipotentiaries have signed and affixed thereto the seals of their arms.

Done in duplicate original, in French and in Arabic, at Tangier, protected of God, the fifth day of the moon of Moharrem, year of the Hegira 1282, which corresponds with the 31st of the month of May of the year one thousand eight hundred and sixty-five.

BIBLIOGRAPHY

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- The International Lighthouse at Cape Spartel.* *American Journal of International Law*, Oct. 1930, vol. 24, pp. 770-776.

INTERNATIONAL COMMISSION OF CIVIL STATUS

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This Organization was established by a Protocol of September 25, 1950, following upon an exchange of letters between the contracting parties. It entered into force, by its terms, on October 1, 1950.¹ An additional Protocol, providing for the adherence of other states, was signed on September 25, 1952. The Commission operates under Rules of Procedure adopted September 25, 1952, and amended September 23, 1954, and September 22, 1955.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purpose of the Commission is to establish and keep up to date legislative and juridical documentation relating to citizenship and to seek means for ameliorating the administration of citizenship and nationality regulations.² Documentation is collected by the Commission and distributed among members.³

ORGANS

The organs are:

- (1) The Commission in General Assembly, composed of a maximum of eight delegates from each member, each state having one vote.⁴
- (2) A Bureau, composed of the chairmen of each national section.⁵
- (3) A Secretary-General.⁶

MEMBERS

The members are Belgium, France, Germany, Luxembourg, Netherlands, Switzerland and Turkey.

¹ 1950 Protocol, Art. 4.

² Rules of Procedure, Art. 1.

³ Id., Art. 2.

⁴ Id., Art. 6.

⁵ Id., Art. 7.

⁶ Id., Art. 10.

MEANS OF FINANCIAL SUPPORT

Expenses of the Commission are met by annual subscriptions.¹

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

There is a formal agreement with the Council of Europe dated October 28, 1955.

HEADQUARTERS

The headquarters are at 14 Burgemeester de Monchyplein, The Hague.

¹ 1950 Protocol, Art. 3.

PROTOCOL RELATING TO THE INTERNATIONAL COMMISSION OF CIVIL STATUS¹ (CIEC)

September 15, 1950

The High Contracting Parties

Considering that, by an exchange of letters, Belgium, France, Luxembourg, the Netherlands and Switzerland have recognized the International Commission on Civil Status (*état civil*),

Considering that it is useful to set forth the manner of the exchange of documentation which has occurred by means of this Commission,

Have agreed to the following provisions:

Art. 1. With a view to the establishment and keeping up to date of legislative and legal documentation relating to the rights of persons and to citizenship entrusted to the International Commission on Civil Status, the High Contracting Parties undertake to furnish to that Commission, without charge, the information necessary for its studies and work.

Art. 2. For the purpose of consulting the documentation collected by the International Commission, the ministerial departments, diplomatic missions, consuls-general, consuls, vice-consuls or consular agents, and each of the High Contracting Parties may correspond directly with the Secretary-General of the said Commission.

Art. 3. The High Contracting Parties undertake to participate, by annual subscription, in the expenses of the operation of the Commission.

Art. 4. The High Contracting Parties shall give the appropriate authorities of their respective countries the necessary instructions for the application of the present agreement which will enter into force on October 1, 1950.

In faith whereof the undersigned, duly authorized to this effect, have signed the present Protocol which will be deposited in the archives of the Swiss Confederation and of which one certified copy will be transmitted by diplomatic channels to each of the High Contracting Parties.

ADDITIONAL PROTOCOL

September 25, 1952

The High Contracting Parties, signatories of the Protocol of Berne of September 25, 1950 relating to the International Commission of Civil Status,

Considering that the adherence of new States may be envisaged as a result of the development of the work of this Commission,

¹ Text supplied by the Secretariat, translated by D.P. Xydis.

Have agreed to the following provisions:

Sole Article. – 1. States not signatory of the Protocol of Berne of September 25, 1950 relating to the International Commission of Civil Status may be allowed to adhere thereto.

2. Their request for adherence involves accepting the rules of the Commission and undertaking to subscribe to the contribution arrived at under Article 3 of the above Protocol and the rules established for its application. Their request shall be addressed through diplomatic channels to the Swiss Confederation and communicated by the latter to each of the states signatory and adhering as well as to the General Secretariat of the Commission.

3. Each new admission must receive a favorable vote of the General Assembly of the Commission which must include the unanimous vote of the delegations accredited by the States parties to the Protocol of September 25, 1950. Admission will take effect thirty days after the date of such vote and will be communicated to each of the signatory and adhering states.

In faith whereof the undersigned, duly authorized to this effect, have signed the present additional Protocol, which will be deposited in the archives of the Grand Duchy of Luxembourg, and a certified copy of which will be transmitted by diplomatic channels to each of the High Contracting Parties.

RULES OF PROCEDURE

**September 25, 1952, as amended September 23, 1954 and
September 22, 1955**

Art. 1. The purpose of the International Commission of Civil Status is to establish and keep up to date the legislative and juridical documentation relating to citizenship, and to facilitate the exchange thereof among the adhering countries. The Commission seeks also juridical and technical means whereby the administration of citizenship and nationality regulations may be ameliorated.

Art. 2. The exchange of documentation envisaged in article 1 shall be effected among the different national sections by the intermediary of a Secretary-General whose headquarters shall be fixed by the Bureau.

Art. 3. French is the official language of the Commission.

Art. 4. The index cards of the documentation are, for purposes of copyright, the exclusive property of the Commission.

After printing, the index cards are, in a percentage determined by the Bureau, kept by the Secretary-General with a view to their distribution among states adhering at a later date. The surplus is divided among the adhering states *pro rata* of their respective contributions to the expenses of the Commission.

In order to ensure a more complete distribution of the index cards in

the various countries, each national section has the right to translate and re-edit them in its own language.

Art. 5. The International Commission shall meet each year at the end of September in General Assembly.

Art. 6. The General Assembly shall be composed of delegates of the adhering States. No State may have more than eight delegates. The members of the inviting national section shall have, however, without any limitation as to numbers, the right to take part in the debates of the General Assembly. Decisions shall be taken by majority vote, each State represented having one vote.

Art. 7. The Bureau shall consist of the chairmen of each of the national sections. Any member of the Bureau unable to attend may appoint a representative. The Bureau shall take decisions by majority vote. The Secretary General shall attend meetings of the Bureau in a consultative capacity.

Art. 8. The Bureau shall appoint from among its members the chairman of the Commission. The term of the Chairman shall be three years and he shall not immediately be eligible for re-election.

Art. 9. The Bureau shall also appoint from among its members the Vice-Chairman.

Art. 10. The Bureau shall appoint for a period of three years the Secretary-General, who shall be eligible for reappointment immediately upon the expiration of this period. The Secretary-General may not undertake any other function within the Commission.

Art. 11. In case of a tied vote on a proposal submitted to the General Assembly, the proposal shall be regarded as rejected.

Art. 12. The Bureau shall take all decisions subject to confirmation by the subsequent session of the General Assembly. It may decide by correspondence any question which does not permit of postponement. Any correspondence involving the responsibility of the Commission must be signed by the Chairman and Secretary-General.

Art. 13. In accordance with Article 2 of the Financial Regulations, the Bureau shall meet each year to draw up the budget. On this occasion it shall examine questions inscribed on the Agenda at the request of a national section or of one of the members of the Bureau. The Bureau shall also meet at the time of the General Assembly in particular to examine the accounts, to finalize the report and the proposals to be presented to the Assembly and, subsequently, if necessary to put into effect the decisions taken by the Assembly.

Art. 14. Before the General Assembly, the Bureau shall appoint an assistant to the Secretary-General to draw up the summary record of the debates.

Art. 15. The General Assembly may, at the proposal of the Bureau, confer an honorarium on a retiring Chairman and Secretary-General who have rendered exceptional services to the Commission.

Art. 16. These rules of procedure have been discussed and adopted by the General Assembly of the International Commission of Civil Status during its meeting of September 25, 1952 in Luxembourg.

LETTER FROM THE COUNCIL OF EUROPE CONTAINING
AGREEMENT WITH THE COMMISSION OF CIVIL STATUS¹

COUNCIL OF EUROPE
The Secretary General
d/11653

Strasbourg, 28 October, 1955

Mr. Secretary-General,

By letter of 13 May 1955, you communicated to me your proposals for the conclusion, between the International Commission of Civil Status and the Council of Europe, of an agreement to regulate the relations between the two organizations.

By letter of 2 June 1955, I informed you that I would submit the text of the draft agreement contained in your letter to the Committee of Ministers of the Council of Europe.

I have the honor to inform you that the Committee of Ministers has now approved this text which reads as follows:

"The Council of Europe (hereafter referred to as "the Council") on the one hand, and the International Commission of Civil Status (hereafter referred to as "the Commission") on the other, Considering that the purpose of the Council is a closer union among its members, that this purpose would be furthered, in particular, by the conclusion of agreements in the legal and administrative domain, and that the Council is so established as to take an interest in any problem whose solution might favor closer union;

Considering that, on its side, the Commission, an autonomous organ whose adhering members are not all members of the Council of Europe, has the purpose of establishing and keeping up to date legislative and juridical documentation relating to the rights of individuals and to nationality, and that, in particular, it has the purpose of seeking juridical and technical means to ameliorate the organization of citizenship;

Considering that the Commission has declared itself ready to give assistance to the Council;

Desirous of regulating the relations between the two organizations;

Have agreed to the following provisions:

Art. 1. 1. The Council shall inform the Commission of all questions relating to citizenship, the status of individuals and nationality which may be submitted for examination and shall give the Commission the opportunity to express its opinion on these questions.

2. When the Council, having been seized of matters within the competence of the Commission, invites the latter's co-operation, the Commission shall study such matters and inform the Council of its conclusions. In case of a negative conclusion, the Council may itself undertake such study.

¹ Translation by D.P. Xydis from original French text.

3. The Commission may also assist the Council in the study of the aforementioned questions. In this case, the Commission will provide the Council with all necessary technical information.

4. The Commission may request the advice of the Council regarding any question sent to it for examination by the Council.

Art. 2. 1. The Council may recommend to its members any measure which might lead to the signature and ratification of conventions prepared by the Commission on matters submitted to it by the Council.

2. The Commission may invite the Council to recommend to its members for signature or ratification or acceptance any other convention adopted by it.

Art. 3. 1. The Secretariat-General of the Council shall be invited to send a representative to meetings of the Commission at which matters of interest to the Council are to be examined.

2. Whenever it seems useful, a representative of the Commission shall be invited to attend meetings of committees convoked by the Committee of Ministers and may also be invited to attend meetings of Commissions of the Consultative Assembly.

Art. 4. 1. The Secretariat-General of the Commission shall address annually to the Council a report on its activities.

2. The Secretariat-General of the Council shall send to the Secretariat General of the Commission, except where measures may be necessary to safeguard the confidential character of certain documents, any documentation of the Council of interest to the Commission.

Art. 5. When the assistance to the Council envisaged in Art. 1 involves substantial expenses for the Commission, consultations shall take place to determine the most equitable fashion of meeting such expenses.

Art. 6. The present Agreement, concluded for a period of four years, shall be automatically renewable for further periods of four years, each party having the right to terminate it at the end of the initial period or of any later period by notification addressed to the other party at least one year before the end of the period.

Art. 7. The present Agreement shall enter into force on the day the Secretary-General of the Commission receives the reply containing the approval of the Committee of Ministers of the Council”.

This agreement will enter into force, in accordance with its article 7 on the day which you receive this letter. I shall be grateful, therefore, for an acknowledgment by return of post.

Yours etc.

(signed) L. Marchal

INTERNATIONAL COMMITTEE OF MILITARY MEDICINE AND PHARMACY

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Statutes of the Committee were drawn up in Brussels on July 21, 1921, and amended on November 7, 1954. Amendments and revisions become effective by approval by a two-thirds majority of the International Committee.¹

Nations may withdraw by notice given one year before a subsequent Congress.²

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes of the organization are, in the spirit of the Geneva Conventions, to strengthen the collaboration between those whose task is to care for the military sick and wounded and to ensure rapid knowledge and standardization of the disciplines and techniques for protecting and safeguarding life in the military domain. It organizes periodic congresses of military medicine and pharmacy, keeps up to date documentation of interest to service medical corps, disseminates this information, keeps in touch with the various service medical corps.³

ORGANS

The organs are:

(1) The International Committee composed of one representative of each contracting state, the chairmen of the technical commissions and honorary members.⁴

(2) International Conferences, meeting as a rule every two years.⁵

(3) Technical Commissions appointed by the Committee.⁶

(4) An Executive Bureau, composed of the Chairman, two Vice-Chairmen and the Secretary-General.⁷

(5) An International Office of Documentation of Military Medicine and Pharmacy.⁸

¹ Statutes, Art. 40.

² Id., Art. 39.

³ Id., Art. 1.

⁴ Id., Art. 3.

⁵ Id., Art. 22-23.

⁶ Id., Art. 7.

⁷ Id., Art. 8.

⁸ Id., Art. 11.

MEMBERSHIP

Its members are Argentina, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Greece, The Holy See, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Jordan, Korea, Luxembourg, Malta, Mexico, Monaco, Netherlands, New Zealand, Norway, Pakistan, Philippines, Poland, Portugal, Roumania, San Marino, Saudi Arabia, Spain, Sweden, Switzerland, Thailand, Turkey, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Yugoslavia.

MEANS OF FINANCIAL SUPPORT

The organization is financed by contributions of members and by private contributions. The premises, materials and salaries of junior employees are provided by the Belgian Government.¹

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The organization has a formal agreement with the World Health Organization.

HEADQUARTERS

Its headquarters are at the Hôpital Militaire, rue Saint-Laurent, Liège, Belgium.

¹ *Id.*, Art. 8.

STATUTE OF THE INTERNATIONAL COMMITTEE OF MILITARY MEDICINE AND PHARMACY¹

July 21, 1921, as amended November 7, 1954

International Committee of Military
Medicine and Pharmacy

SECTION I

DEFINITION, MISSION AND HEADQUARTERS OF THE COMMITTEE

Art. 1. There is created an International Committee of Military Medicine and Pharmacy.

Its aim is, in the spirit of the Geneva Conventions, to maintain and strengthen the bonds of constant professional collaboration between those men whose mission all over the world consists in caring for the sick and wounded of the Armed Forces and, to that end, in working for the improvement of their lot and the relief of their suffering in time of peace as well as in time of war.

There should result from it a rapid knowledge of and standardization of the disciplines and techniques most appropriate for achieving most effectively the protection and safeguarding of human life in the military domain.

The Committee has the following principal missions:

1. To organize periodically International Congresses of Military Medicine and Pharmacy,
2. To keep constantly up to date complete documentation on all matters interesting the medical corps of the services,
3. To disseminate this documentation through the publication of an international bulletin,
4. To keep in touch the different medical corps of the services and the various international organizations which concern themselves with the condition and the protection of the sick and wounded of the services,
5. To carry on, with all the means at its disposal, a continuous campaign with a view to the development of an International Medical Law,
6. To assure the internal functioning of its own services.

Art. 2. In homage to Belgium, which took the initiative in the International Congresses of Military Medicine and Pharmacy and organized the first of them, the headquarters of the International Committee of Military Medicine and Pharmacy is placed at Liège.

¹ Translation supplied by the Committee.

SECTION II

COMPOSITION AND POWERS OF THE COMMITTEE

Art. 3. This Committee consists of:

(a) a regular member ¹ representing each member nation which has accepted the present statutes (21 July 1921, modified later). He is the authorized representative of his government. This delegate is chosen preferably from among the Officers of the medical corps of the services (army, navy and air force) on active duty or members of the various reserves.

(b) the Chairman of the various technical commissions provided for by Article 7 set up by the Committee.

(c) Honorary members, specially qualified for this honorary title owing to their learned contribution to the work of the Committee. Honorary members are appointed by the Committee and attend in an advisory capacity.

(d) The Secretary-General of the Committee, in an advisory capacity.

(e) The General Secretary to each Congress in an advisory capacity and for a term running from the close of the Congress to the opening of the next Congress.

Chairman and Vice-Chairmen of the Committee

Art. 4. The Chairman of the International Committee of Military Medicine and Pharmacy is legally the person designated by the nation organizing the International Congress of Military Medicine and Pharmacy to preside over this Congress.

His duties begin on the day of the opening of the Congress and he holds his authority until the following congress.

The outgoing chairman and the future chairman are vice-chairmen of the Committee during the same period of time as the chairman. If necessary, they take over the duties of the chairman.

The outgoing chairman is legally honorary for life of the Committee, with the privilege of sitting in on all its sessions, but only in an advisory capacity, if he is not the official delegate of his nation to the Committee.

Secretary General of the Committee

Art. 5. The Secretary-General of the Committee is of Belgian nationality. He is appointed by the International Committee for a period of six years. His term is renewable.

The Secretary-General centralizes all the activities of the International Committee of Military Medicine and Pharmacy.

He assures the functioning of all its services and prepares the estimates and manages the finances of the Committee.

National Member Delegates

Art. 6. The national member delegate of each country to the International Committee of Military Medicine and Pharmacy, referred to in article 3, is appointed as such by the Government after being nominated by

¹ In case of prevention the member may be replaced for the balance of a session.

the supreme authority of the medical corps of the services (army, navy and air force) of each country. This appointment is communicated to the Secretary-General through the Ministry of Foreign Affairs (*Ministère des Affaires Étrangères*) of Belgium.

He constitutes the permanent intermediary between the office of the secretary general of the Committee and the various medical corps of his nation.

He transmits to the office of the Secretary-General the official documents for the Office which the qualified administrative services address to him for this purpose, as well as the works, periodicals or miscellaneous publications of medical-military interest published in his country.

He fills out a bibliographical form accompanied by an analysis which is more or less detailed, according to the importance of the subject dealt with, for all works, periodicals, and newspaper or magazine articles interesting the medical corps of the services which he cannot obtain in the original.

He responds insofar as he is able to requests for documentation or information which are transmitted to him by the office of the Secretary-General.

Each national member delegate is obliged to send quarterly to the Secretary-General of the Committee a brief report of his country's medical-military activities.

The representatives of the technical commissions referred to in article 3 have the same obligation as regards their speciality.

In addition, each member will bring to each meeting of the Committee a report of the activities that he has carried on in his country as a member of the International Committee.

The national member delegate is compensated for the expenses occasioned by his correspondence and his documentation work. Proof of these expenses should be submitted to the office of the Secretary-General.

Technical Commissions

Art. 7. The Committee appoints technical commissions for certain domains of medical-military activities.

The Chairmen of these commissions belong to the International Committee.

The Statutes of these Commissions are set forth in Annex 1.

The works of the commissions are submitted to the International Committee in plenary session, which is alone qualified to express its opinion on the activities of these commissions and on the conclusions of their work.

Executive Bureau

Art. 8. There is created an executive bureau to settle urgent matters. This executive bureau is composed:

1. of the practising Chairman,
2. of two Vice-Chairmen.

These three persons may delegate all or part of their authority to a member of the Committee.

3. of the Secretary-General of the Committee.

Technical Advisers and Experts

Art. 9. For the carrying out of certain works, studies, or investigations, the Committee may enrol as technical advisers or experts persons of its choice belonging or not belonging to a military medical corps, who are particularly well qualified as regards knowledge of a matter to be dealt with.

These persons have an advisory capacity.

SECTION III

FUNCTIONING OF THE COMMITTEE

A. Sessions of the Committee

Art. 10. The International Committee of Military Medicine and Pharmacy is responsible for assuring constantly the accomplishment of the missions defined in Article 1 of these Statutes.

It is assembled, at the request of its chairman, in ordinary session, on the occasion of each International Congress of Military Medicine and Pharmacy, and on the occasions of the sessions of the International Office of Military Medicine Documentation (*Office International de Documentation de Médecine militaire*). Besides which, it meets in extraordinary session each time circumstances demand it.

In the course of ordinary sessions all matters are settled with regard to the program and organization of the International Congress of Military Medicine and Pharmacy being prepared, the program and organization of the sessions of the International Office of Military Medicine Documentation, and the setting up of the budget for the period between two successive congresses.

The International Committee reaches its decisions regardless of the number of members present. Members may vote by letter or by giving their proxy to one of their colleagues.

B. International Office of Documentation

Art. 11. For carrying out the work incumbent upon it the International Committee of Military Medicine and Pharmacy has in the secretariat an information organization which bears the name International Office of Military Medicine Documentation.

This Office has the following missions:

1. Assembling all regulations, circulars, manuals, nomenclatures, descriptive accounts or construction tables for various equipment interesting the medical corps of the services.

2. Assembling, indexing, analysing and keeping all official medical-military periodicals.

3. Assembling, indexing, analysing and keeping all miscellaneous works or publications, regardless of their nature or their origin interesting the medical corps of the services.

4. Making the studies and conducting the research or investigations of all kinds requested of the International Committee of Military Medicine and Pharmacy and drawing up the report or replies resulting from them.

5. Preparing and organizing periodical International medical-military documentation and information sessions.

6. Providing for the drafting and the publication of the International Bulletin of the medical corps of the services (*Bulletin International des Services de Santé des Armées*).

7. Acting as intermediary for the possible exchange of military doctors between nations.

Headquarters of the Office and General Administration.

Art. 12. The International Office of Military Medicine Documentation has its headquarters in Liège with the International Committee of military Medicine and Pharmacy.

The Secretary-General of the Committee is its director.

The expenses necessary for its functioning are provided for in the budget of the Committee and are accounted for in the manner referred to in article 20 of these Statutes.

Functioning of the Office

Art. 13. The documents come from the governments from which they emanate, insofar as official publications are concerned.

Books, pamphlets, and miscellaneous publications come from gifts, direct purchases, subscriptions, etc.

All of the documentation is kept and classified by the Office, which keeps the list of it constantly up to date.

Art. 14. The periodical international military medicine documentation sessions are held, as a rule, following the International Congresses of Military Medicine and Pharmacy, or else in the period between them, in the offices of the Committee or at the invitation of a nation which has agreed to organize a session.

Art. 15. Each session consists of a series of lectures on subjects of present interest, in accordance with a program laid down by the International Committee of Military Medicine and Pharmacy.

The rules of procedure of these sessions are the same as those defined by articles 37 and 38 of these Statutes.

The lectures may be followed by discussions and eventually by a resolution or a motion.

Utilization of the facilities of the Office

Art. 16. The facilities of the International Office of Military Medicine Documentation are open to all nations acceding to these Statutes or members of the International Committee of Military Medicine and Pharmacy.

The representatives appointed by these nations, and particularly their

delegates to the Committee, are permanently qualified to apply to the Office of Documentation with a view to consulting on the spot and gaining access to documents in the custody of the Office which might interest them.

Notification is given to the Secretary-General of the International Committee of Military Medicine and Pharmacy by the governments concerned of the names of the persons of their choice, other than their delegates to the Committee, designated to enter into relations with the Office. When the Office does not possess the necessary documentation on a matter presented by a qualified nation, its director may initiate an international investigation.

The results of this investigation are sent to the nation which induced it and are published in the International Bulletin of the Medical Corps of the Services (*Bulletin International des Services de Santé des Armées*).

Art. 17. The nations which have not acceded to these Statutes and which are not members of the International Committee of Military Medicine and Pharmacy, as well as recognized international and national organizations, may still apply to the International Office of Military Medicine Documentation, which satisfies their requests insofar as it is able with the means normally at its disposal.

Persons qualified to participate in the International Congresses of Military Medicine and Pharmacy, as provided by article 23 of the regulations of the Congresses, may be authorized by the Director of the International Office of Military Medicine Documentation to consult on the spot the documentation at the Office.

The expenses involved by these requests for information are to be paid by the nations or persons concerned.

C. International Bulletin of the Medical Corps of the Services

Art. 18. The International Bulletin of the Medical Corps of the Services assures the dissemination of the documentation collected by the International Office of Military Medicine Documentation.

It publishes:

(a) articles of present interest and the lectures given at the sessions of the Office Documentation,

(b) an analysis of all the documents received which are of any interest to the Medical Corps of the Services,

(c) a complete bibliographical index with all necessary references to all documents which come to its attention concerning the medical corps of the services. On occasion, it publishes miscellaneous reports or studies emanating from the activity of the International Office of Military Medicine and Pharmacy, and the International Office of Military Medicine Documentation itself.

The bulletin is, as a rule, published in French and in English.

It is, insofar as possible, monthly addressed to the directorate of the medical corps of the nations acceding to these Statutes in a number or copies determined in proportion to the number of shares paid by each of the acceding countries. One copy is sent to the national member delegate of the International Committee of Military Medicine and Pharmacy.

It is supplied to all individual subscribers.

The aggregate of national members of the International Committee constitutes the Committee for drafting the International Bulletin of the Medical Corps of the Services.

The editor and administrator of this Bulletin is the Secretary-General of the International Committee of Military Medicine and Pharmacy.

SECTION IV

FUNCTIONING OF THE COMMITTEE

Financial Administration and Checking of the Committee

Art. 19. To accomplish the missions incumbent upon it, the International Committee of Military Medicine and Pharmacy has at its disposal personnel, equipment, premises and appropriations.

The subordinate personnel, the premises and the equipment are furnished by the Belgian government.

The appropriations come:

1. from the voluntary financial contribution of the different governments which accede to these statutes and which agree to pay annually to the Committee a subsidy on the basis of the annexed table, voted by the International Assembly of Medical Corps Chiefs of the Services in Mexico City in 1949 (annex II below),

2. gifts from public or private organizations as well as private persons.

Art. 20. The funds allocated to the Committee are administered by the Secretary-General, who is accountable and responsible for them to the Committee.

On the occasion of each International Congress of Military Medicine and Pharmacy, the book-keeping is submitted for the approval of the Committee, which appoints three auditors to check it and make a report on it before approving it for the last fiscal period.

On this occasion, likewise, the Secretary-General submits to the Committee assembled in plenary session an estimate of expenditures anticipated for the period between two successive congresses.

No expenditure not provided for in the budget can be made by the Secretary-General, except in a case of emergency in connection with normal activity, to be reported to the chairman and justified at the first meeting of the Committee.

Liaison

Art. 21. To assure constant liaison with the various medical corps of the services, the International Committee of Military Medicine and Pharmacy communicates:

- (a) with the Directors of the medical corps of the services (army, navy and air force) as regards technical documentation, through the intermediary of the national member delegate to the Committee,

- (b) through the intermediary of the Belgian Ministry of Foreign Affairs, for all matters concerning the governments.

In addition, it communicates directly with the different international organizations referred to in Article 1.

SECTION V

INTERNATIONAL CONGRESSES OF MILITARY MEDICINE AND PHARMACY

Definition, purposes and composition of the Congresses

Art. 22. The International Congresses of Military Medicine and Pharmacy are periodical meetings open to all public or private official institutions, as well as to all persons concerning themselves with the protection and treatment of the sick and wounded of the services (army, navy and air force).

Their purposes are:

(a) to facilitate joint studies, to set forth doctrines, to determine the best methods of investigation, treatment, organization and functioning for all problems concerning the maintaining of a good state of health at all times and in all places in all military domains represented by the army, navy and air force.

(b) to improve the various relations between the organizations and personnel marked out for a common mission under the international signs as adopted by the Geneva Conventions.

The Congresses are organized by the medical corps of the services of a nation issuing an invitation and are held under the auspices of the International Committee of Military Medicine and Pharmacy.

Art. 23. The following may by members of the International Congresses of Military Medicine and Pharmacy:

1° personnel of the medical corps of the services (army, navy and air force),

2° associations of reserve officers belonging to the medical corps,

3° public or private official groups or associations which concern themselves with the protection and treatment of the wounded and sick of the armed forces in peacetime and in wartime,

4° individually, any person who belongs or has belonged, either on active duty or as a member of the reserves, to a medical corps of one of the services (army, navy and air force),

5° in addition, as honorary members, persons particularly well qualified through their collaboration in studies representing the purposes of the Congresses appointed by the International Committee.

Art. 24. Enrolment in the Congress is open to the organizations and persons pointed out in Article 23, after the payment of a fee which is fixed by the organization committee of the Congress.

This enrolment entitles one to all the publications of the Congress.

Art. 25. The organization of each International Congress of Military Medicine and Pharmacy is the responsibility of the nation which accepts this mission.

As a rule, a nation which has organized one congress cannot organize another unless no other nation asks to assume this responsibility.

As a rule, the Congresses are held every two years, unless there is a

proposal to the contrary by the International Committee of Military Medicine and Pharmacy or by the government which has expressed the desire to organize the following congress.

Art. 26. Requests to organize an International Congress of Military Medicine and Pharmacy are sent to the Secretary-General of the International Committee of Military Medicine and Pharmacy.

They are received at any time, but normally on the occasion of the congress preceding that which the nation concerned proposes to organize.

Art. 27. All requests received are examined by the Committee of Military Medicine and Pharmacy, which makes known its choice of a certain nation.

The choice is announced at the closing session of the congress.

The secretariat of the International Committee of Military Medicine and Pharmacy notifies through diplomatic channels the nation whose choice was approved, and asks it to give official confirmation of its acceptance.

If this acceptance is not given, the secretariat of the Committee then contacts if necessary the different nations which asked to organize the International Congress of Military Medicine and Pharmacy, until it receives a favorable reply.

Art. 28. If there is no offer, the secretariat of the Committee is responsible for taking the necessary steps with the various nations for the organization of the future International Congress of Military Medicine and Pharmacy. It expresses its opinion directly on the requests which reach it and records the acceptance of the nation offering to organize the future Congress.

Art. 29. The official invitations to the various governments to arrange for their representation, in the congress being prepared, by the official delegations of the various medical corps of their services (army, air force and navy) are extended directly by the nation which does the organizing.

The office of the Secretary of the International Committee of Military Medicine and Pharmacy likewise assists in publicizing the Congress being prepared and aids the national organization committee with all the means at its disposal.

Art. 30. The subjects to be dealt with at each International Congress of Military Medicine and Pharmacy are proposed by the International Committee of Military Medicine and Pharmacy.

They are announced at the closing of the congress.

Art. 31. The subjects entered on the agenda as a rule come under the following headings:

1. Army medicine
2. Naval medicine
3. Tropical medicine
4. Aeronautical Medicine
5. Army pharmacy
6. Army odontostomatology
7. Army medical administrative services
8. International Medical Law.

Possibly in addition, army veterinary corps, when the latter is represented in the Congress.

Art. 32. The International Committee of Military Medicine and Pharmacy designates the nations particularly well qualified to appoint two rapporteurs on each of the matters placed on the congress agenda.

The nation organizing the Congress may, if it so wishes, appoint one of these two rapporteurs.

Art. 33. The International Committee of Military Medicine and Pharmacy may, as an exception and only by reason of the importance of object, decide to place on the agenda of the future congress one of more additional matters; it then appoints rapporteurs of its choice after previous agreement with the nation organizing the congress and with those supposed to appoint the rapporteurs.

Likewise, when in the course of a congress discussion of a question placed on the agenda has not been exhausted and it has been impossible to arrive at conclusions, the Committee may be made responsible for continuing the study of it in an appropriate manner left to its initiative with the mission of giving the results either in the course of the following congress or in the course of a session of the International Office of Military Medicine Documentation, or in the International Bulletin of the Medical Corps of the Services.

Functioning and Rules of Procedure of the Sessions

Art. 34. There is created at the closing of a congress an organization committee for the following congress.

This committee has as chairman a high authority of the Medical Corps of the Services (army, navy or air force) of the nation issuing the invitation and has as members persons belonging to the military medical corps of the country, on active duty or in the reserves and a secretary chosen by the chairman of the congress.

Art. 35. On the day of the opening of the congress, the chairman of the latter legally becomes chairman of the International Committee of Military Medicine and Pharmacy for the duration of a recess. At the end of his term, he becomes honorary chairman of the Committee.

Art. 36. The nation which organizes each International Congress of Military Medicine and Pharmacy is responsible for publishing its works.

This publication is done at two times:

1. before the congress, for reports.
2. after the congress, for the report (*compte-rendu*) of the sessions.

The volume of reports should as a rule reach the delegates to the Congress at least one month before the date set for the opening of the congress. For this purpose, the manuscripts of the rapporteurs should reach the office of the Secretary of the congress six months before the date of opening of the latter.

After this time no guarantee can be given that the reports will be printed.

Since the sending of the volume of reports may involve rather large postal expenses, the national organization committee of the congress may

make provisions for the delegates to the congress who desire to benefit from this measure to make this known on their enrolment form for the congress.

This provision does not apply to members of the official delegations who must always be able to become acquainted with the reports before their arrival at the congress in order to document themselves, if necessary, on the different points raised by the rapporteurs and thus to be able to take an active part in the discussions which follow the *exposé* of the reports in the session.

Art. 37. In the course of the sessions of the congress, the *exposé* of the reports cannot exceed twenty minutes.

Following them, discussion will be opened, but will be strictly limited to the matter dealt with by the rapporteur.

The speaking time is generally limited to five minutes.

After the discussion is over, the same speaking time is allotted to the authors of communications related to the topic which is the subject of the session.

Each intervention will be the subject of a written note from its author submitted immediately to the session secretary summing up the communication made.

As a rule, film – slides or motion picture film, silent or with sound – may be shown during sessions, depending on the facilities at the disposal of the organizers of the congress and in agreement with them.

For each of the matters placed on the agenda of the congress, a commission is appointed to work out the conclusions relating to each matter dealt with.

These conclusions are submitted to the International Committee of Military Medicine and Pharmacy, which decides on their final text.

The conclusions are announced at the closing session of the congress; they are brought officially to the attention of all the governments through the Ministry of Foreign Affairs of the country which organized the Congress.

Art. 38. The reports may be made in any national language written in Roman characters. They are followed by a summary and conclusions in each of the following languages: German, English, Spanish, French, Italian.

When they are not furnished by the authors, the translations are provided by courtesy of the office of the Secretary of the congress.

The same provisions apply to communications, but they contain no conclusions.

SECTION VI

Final Provisions

Art. 39. Any nation which belongs to the International Committee of Military Medicine and Pharmacy may withdraw from it. In this case, notice should be given to the Secretary-General at least one year before the date set for the next International Congress of Military Medicine and Pharmacy.

The withdrawal will be announced by the International Committee and communicated to the nation concerned by the Secretary-General of the Committee.

Art. 40. These statutes may be revised totally or partially by the International Committee meeting in ordinary session.

Proposals of revision, properly drawn up and justified, should be addressed to the Secretary-General of the International Committee of Military Medicine and Pharmacy at least six months before the date set for the session. They are communicated to the acceding nations by courtesy of this Secretary-General, to whom the replies of these nations are sent, with their own opinion on the proposals made.

The initiative as regards proposals for revision of the Statutes lies either with the acceding nations, or with the International Committee of Military Medicine and Pharmacy.

The decisions regarding them are made by the International Committee.

They are passed only by a two-thirds majority vote of the delegates.

They are communicated through the Secretary-General of the International Committee of Military Medicine and Pharmacy to the government concerned.

ANNEX I

Technical Commissions

Art. 1. Two technical Commissions have been set up, one a pharmaceutical and the other an odonto-stomatological.

Art. 2. Each of these technical Commissions has six mandates, renewable by on-third every second year at the time Congress is held.¹

These mandates are conferred for six consecutive years on six countries represented at the Congress.

The choice of these countries will be submitted by the Commission at each Congress to the International Committee of Military Medicine and Pharmacy, which has power to decide.

As a rule, each country will have two delegates, nominated by its own Government in accordance with the provisions of Art. 3, par. (a) of the Statutes of the International Committee.

The outgoing countries are eligible for re-election.

Art. 3. Each of the Commissions appoints a President and Secretary at the end of the Congress.

These are appointed for a term of two years and are eligible for re-election.

Art. 4. The President of each Commission is a member of the International Committee of Military Medicine and Pharmacy for the period of his mandate.

Art. 5. The Headquarters of these Commissions is in Liège.

¹ As a provisional measure, two countries will be designated by ballot as outgoing countries at the next two Congresses.

ANNEX II

Table of the Financial Contribution of the various Countries

The countries are divided into seven categories.

The shares are fixed according to the scale given below, taking into account the fact that one share represents \$ 50 (U.S. currency):

1st category:	20 shares
2nd category:	16 shares
3rd category:	12 shares
4th category:	8 shares
5th category:	4 shares
6th category:	2 shares
7th category:	1 share.

INTERNATIONAL CONFERENCE FOR PROMOTING TECHNICAL UNIFORMITY IN RAILWAYS

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Conference for Promoting Technical Uniformity in Railways was first convened in 1882 on the initiative of the Swiss Government. It concluded a series of agreements which have since been subject to revision by successive conferences and by correspondence, on technical uniformity in railways and the sealing of goods wagons having to pass customs stations.

A Convention was adopted at the 1886 conference and revised at the Berne Conference in 1907. In accordance with a decision adopted during the latter conference, an International Committee met in 1909, 1911 and 1912. The regulations for technical uniformity on railways as contained in the final protocol of the third conference and in the amendments and additions made by the International Committee's Final Protocol of 1912 are contained in "Technical Uniformity on Railways," 1913 edition. These agreements were subject to a revision which came into force in 1939 and is entitled "Technical Uniformity on Railways," edition of 1938.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes are to investigate, chiefly from a technical point of view, how and under what conditions the conveyance of rolling stock from the rails of one state to those of a neighbouring state can be effected and facilitated. The Conference studies the regulations governing such international transit.

ORGANS

The organs are:

(1) A Conference, to which expert representatives of member governments and of railway administrations are delegated is convened at irregular intervals. The decisions of the Conference after approval by the

Governments concerned and publication in their law records become legal obligations.

(2) The Federal Office of Transport in Berne provides all secretariat services.

MEMBERSHIP

The members are Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, France, Germany (Democratic Republic), Germany (Federal Republic), Greece, Hungary, Italy, Luxembourg, Netherlands, Norway, Poland, Roumania, Sweden, Switzerland, Turkey and Yugoslavia.

FINANCIAL SUPPORT

The cost of the conferences and of published documents is assessed to the participating States in proportion to the length of standard gauge lines operated by the railway administrations concerned.

HEADQUARTERS

Its headquarters are in Berne, care of the Swiss Federal Postal and Railway Department.

TECHNICAL UNIFORMITY OF RAILWAYS¹

AGREEMENT

1938 Edition

(Superseding the 1913 edition)

The Governments of the State party to the Technical Unity of Railways have agreed upon the following regulations, with which Railway tracks and vehicles (passenger carriages, baggage vans, mail vans and goods wagons) must comply in international traffic.

Article 1 applies to the lines over which the vehicles referred to in Articles 2 and 6 are accepted.

Articles 2 to 6 apply to vehicles travelling from the lines of one State on to those of another.

Article 1

Gauge of Track

	Millimetres.	
	Maximum.	Minimum.
§ 1.		
The width between the inner edges of the rail-heads of new and relaid running roads shall be not less than	—	1 435 (4 ft. 8.50 ins.)
The gauge of existing tracks must not be less than	—	1 432 (4 ft. 8.38 ins.)
nor, including gauge widening on curves, be more than	1 470 (4 ft. 9.88 ins.)	

Article 2

General Regulations Relating to the Exchange of Vehicles

	Millimetres.	
	Maximum.	Minimum.
§ 2.		
Provided that vehicles comply with the provisions of Articles 3, 4-A, and 5 and have none of the defects mentioned in Article 4-B they may not be refused on constructional grounds relating to the points dealt with in Article 3, nor for reasons concerning their state of repair or method of loading.		

¹ English text kindly supplied by the *Office de Recherches et d'Essais de l'Union Internationale des Chemins de fer.*

	Millimetres.	
	Maximum.	Minimum.
<p>Vehicles for the conveyance of goods under Customs seal in through-through traffic must also comply with the conditions of Article 6.</p> <p>§ 3.</p> <p>The Regulations of Technical Unity only apply to vehicles and bogies whose end axles are the guiding axles. Vehicles whose position and orientation on the track are determined by axles other than the end axles may not be accepted by agreement between the Railway Administrations concerned.</p> <p>§ 4.</p> <p>There shall be no obligation to accept vehicles on a train whose composition is subject to special regulations, if the vehicles in question do not comply with such special regulations.</p> <p>§ 5.</p> <p>In the case of special transport, trials, etc., and provided the safety of traffic is safeguarded, departures from the regulations of Technical Unity are admissible by prior arrangement between the Railway Administrations concerned.</p>		

Article 3

Construction of Vehicles

	Millimetres.	
	Maximum.	Minimum.
<p>§ 6.</p> <p>1. <i>The transverse profile</i> of vehicles must be in accordance with the requirements of the Administrations over whose lines they have to run.</p> <p>These requirements must be communicated to the States concerned.</p> <p>2. Goods wagons which, <i>without special verification of their transverse dimensions</i>, may pass over all lines open to international traffic with the exception of lines expressly excluded, must satisfy the following conditions and bear the mark prescribed for <i>interchange wagons</i> (see § 37/12):</p>		

	Millimetres.	
	Maximum.	Minimum.
<p>(a) They must, when at rest in their mean position on a straight piece of track and as regards all those parts subjected to the oscillations of the bearing springs, be passable inside the gauge in Annex A hereto; parts (axle-boxes etc.) which are not subjected to the oscillations referred to may exceed the gauge in the downwards direction by 15 millimetres (.59 in.) measured vertically.</p> <p>Wagons constructed before 1915 and fitted with a lever brake may bear the mark prescribed for interchange wagons if the brake lever when in the upper position (brake off) does not project beyond the gauge shown in Annex A, although it may exceed it when in the lower position (brake on).</p> <p>(b) The greatest widths allowed by this gauge must be such that a wagon placed in its most unfavourable position on a curve of 250 metres (approx. $12\frac{1}{2}$ chns.) radius with a track gauge of 1465 millimetres (4 ft. 9. 68 ins.) shall not at any point project beyond the vehicle gauge to a value exceeding "k", the projections being measured parallel to the running surfaces of the rails and the centre line of the gauge being perpendicular to the running surfaces and equidistant from the two rails.</p> <p>(c) The reductions to be made in width shall be calculated in accordance with the following formulae:</p> <p>I. $E_s = \frac{an - n^2}{500} + \frac{1,465 - d}{2} + q + w + \frac{p^2}{2000} - k + \alpha;$</p> <p>II. $E_a = \frac{an + n^2}{500} + \frac{2n + a}{a} \left(\frac{1,465 - d}{2} + q + w \right) - \frac{p^2}{2000} - k + \beta$</p> <p>In which:</p> <p>E_s = value, in metres, of the reduction to be made on each side, in relation to the gauge shown in Annex A in a section situated between the end axles of non-bogie vehicles or between the pivots of bogie vehicles.</p>		

	Millimetres.	
	Maximum.	Minimum.
E_a = value, in metres, of the reduction to be made, on each side, in relation to the gauge shown in Annex A, in a section situated beyond the end axles of non-bogie vehicles or beyond the pivots of bogie vehicles.		
a = Extreme wheel base of non-bogie vehicles, or distance between bogie centres of bogie vehicles, in metres.		
n = Distance, in metres, from the section in question to the nearest end axle or pivot.		
d = Width, in metres, from outside to outside of the wheel flanges, measured at 10 millimetres (.39 in.) below the tread circles, assuming that the flanges are at the limit of permissible wear (see §§ 40 and 42).		
q = Lateral displacement possible, in metres, between the axle journals and brasses, added to that between the axle-guards and axle-boxes, on each side from the mean position, assuming that all parts are at the limit of permissible wear.		
w = Possible lateral displacement, in metres, of the bogie pivots and bolsters on each side from the mean position.		
p = Bogie wheel base, in metres.		
k = (0.075 (.00295 in.) for parts situated 430 millimetres (16.93 ins.) or more above top of rail. 0.025 (.0098 in.) for parts situated less than 430 millimetres (16.93 ins.) above top of rail.		
$\alpha = 0$ when $an - n^2 + \frac{p^2}{4} \leq 100$		
$\alpha = \frac{1}{750} (an - n^2 + \frac{p^2}{4} - 100),$		
when $an - n^2 + \frac{p^2}{4} > 100$		
$\beta = 0$ when $an + n^2 - \frac{p^2}{4} \leq 120$		
$\beta = \frac{1}{750} (an + n^2 - \frac{p^2}{4} - 120),$		
when $an + n^2 - \frac{p^2}{4} > 120$		

	Millimetres.	
	Maximum.	Minimum.
<p>§ 7.</p> <p><i>The axle load and the weight per metre run must not exceed the maximum permitted on each line.</i></p> <p>The weight per metre run shall be the sum of the weight of the wagon and the weight of the load divided by the length of the wagon, in metres, measured over uncompressed buffers.</p> <p>The Administrations' regulations for each line must be notified to the party States.</p>		
<p>§ 8.</p> <p>Wheelbase, i.e., distance between the centres of the end axles for non-bogie vehicles,</p> <p>for vehicles constructed in future — 3 500 (11 ft. 5.80 ins.)</p> <p>for vehicles constructed before 1939 — 3 000 (9 ft. 10 11 ins.)</p> <p>This regulation does not apply to bogies.</p>		
<p>§ 9.</p> <p>1. <i>Vehicles</i> constructed in future must be able to pass without difficulty over curves of 150 metres (approx. $7\frac{1}{2}$ chns.) radius without gauge widening, that is to say, with a gauge of 1435 millimetres (4 ft. 8.50 ins.)</p> <p>Vehicles constructed before 1939 must be able to pass without difficulty over curves of 150 metres (approx. $7\frac{1}{2}$ chns.) radius.</p> <p>2. <i>Wheelbase</i>, i.e., distance between the end axles of vehicles and distance between the end axles of bogies, when such axles are rigid 4 500 (14 ft. 9.17 ins.) —</p> <p>3. Vehicles and two-axled bogies having a wheel base (distance between end axles) of more than 4500 millimetres (14 ft. 9. 17 ins.) and vehicles having more than 2 axles under a single under-frame or bogie frame must bear the mark prescribed by § 37, clause 11, when their axles have sufficient play to allow the vehicles to pass without difficulty over curves of 150 metres (approx. $7\frac{1}{2}$ chns.) radius.</p>		

	Millimetres.	
	Maximum.	Minimum.
4. Railway Administrations who cannot accept vehicles or bogies complying with the conditions of clauses 2 and 3 must communicate their regulations respecting the maximum permissible wheelbase to the party States.		
5. For all vehicles constructed in future, other than bogie vehicles, the ratio between the wheel base (distance between end axles) and the total length over uncompressed buffers must be not less than 0.4.		
§ 10.		
<i>Wheels</i> must be composed of rolled, forged or moulded steel centres and fitted steel tyres, or, if they are solid, of rolled or forged steel.		
Existing solid wheels of chilled cast iron or moulded steel are allowed only on goods wagons not fitted with brakes.		
Wheels with cast iron bosses and wheel centres are not allowed.		
§ 11.		
Tyres of wheels constructed in future must be fixed continuously round the periphery of the wheel centre.		
Wheels with tyres fixed by means of screws, bolts or rivets will not be allowed after 1st January, 1939.		
§ 12.		
<i>Width of tyres</i> or parts equivalent thereto,:		
for wheels constructed in future	140 (5 51 ins.)	130 (5. 12 ins.)
for wheels constructed before 1939	150 (5. 91 ins)	130 (5.12 ins)
§ 13.		
<i>Wheel gauge</i> measured at rail level, between the inside surfaces of the tyres or parts equivalent thereto, the vehicles being empty or loaded . . .	1 363 (4 ft 5 66 ins.)	1 357 (4 ft 5.43 ins)
§ 14.		
Vehicles must be mounted on <i>springs</i> .		
When laminated bearing springs are connected to the solebar by their ends, the connection must be made by links or rings.		

	Millimetres.	
	Maximum.	Minimum.
Vehicles furnished with sliding spring supports or similar devices are allowed only if adequate provision is made to prevent the springs leaving their supports. Such provision must be applied to the sliding spring supports of existing vehicles before 1st January, 1939.		
§ 15.		
Vehicles must be furnished at both ends with <i>elastic buffing and draw gear</i> .		
Vehicles which are never separated in service are regarded as one vehicle.		
Goods wagons which are coupled by means of rigid couplings when travelling under load must also permit of the ordinary coupling being used after they are unloaded.		
§ 16.		
Height of buffer head centres, measured vertically from the crown of the rails the vehicles being at rest:		
Empty	1 065 (3 ft. 5 93 ins.)	—
Loaded to maximum:		
goods wagons	—	940 (3 ft. 1 01 ins.)
carriages and baggage vans without gangways .	—	940 (3 ft. 1 01 ins.)
carriages and baggage vans with gangways . . .	—	980 (3 ft. 2 58 ins.)
For vehicles constructed in future, the centre lines of the draw-gear and buffing gear respectively must be at the same height.		
§ 17.		
1. <i>Distance between Buffer centres.</i>		
Vehicles constructed in future (generally 1750 mm.) (5ft. 8.90 ins.)	1 760 (5 ft. 9 29 ins.)	1 740 (5 ft. 8 50 ins.)
vehicles constructed before 1939	1 770 (5 ft. 9.69 ins.)	1 710 (5 ft. 7.32 ins.)
2. <i>Travel of buffer, for vehicles constructed in future</i>	150 (5.91 ins.)	70 (2.76 ins.)

		Millimetres.	
		Maximum.	Minimum.
§ 18.			
1. <i>The diameter of the buffer heads must be appropriate to the type of vehicle, subject to the following minima:</i>			
Vehicles constructed in future	—	370 (14 57 ins.)	
Vehicles constructed before 1939	—	340 (13.39 ins.)	
For existing vehicles with buffer separation of less than 1720 millimetres (5 ft. 7.72 ins;)	—	350 (13 78 ins.)	
Circular buffer heads may have horizontal flats at the top and bottom, at a distance from the centre of	—	170 (6.69 ins.)	
2. Looking at the end of the vehicle from the outside the left-hand buffer head must be domed. If both buffers are domed, the radius of curvature of their faces must not be less than 1500 milletres (4ft. 11.06 ins.)			
§ 19.			
<i>Distance from the point of contact of the unextended draw hook to the face of the uncompressed buffers.</i>			
Vehicles constructed in future	400 (15.75 ins.)	335 (13 19 ins.)	
Vehicles constructed before 1939	400 (15.75 ins.)	300 (11 8 ins.)	
§ 20.			
<i>Distance from the point of contact of the drawhook to the centre of its slot.</i>			
Hooks constructed in future	125 (4.92 ins.)	110 (4.33 ins.)	
§ 21.			
<i>Aperture of the drawhook slot</i>	—	41 (1.61 ins.)	
§ 22. ¹			
CANCELLED {	It must be possible for vehicles to be doubly coupled in such a way that the safety coupling comes into action should the main coupling break.		
	Vehicles with central safety coupling must permit of double coupling with vehicles fitted with safety chains.		

¹ The cancellation of § 22, proposed by the U.I.C., was approved by Governments of the States party to the Technical Unity (see circular letter No. 951, dated 18th May, 1949, from the General Secretariat of the U.I.C.)

	Millimetres.	
	Maximum.	Minimum.
§ 23. <i>The resistance of couplings to rupture must be not less than 65 metric tons (64 Eng. tons.) for vehicles constructed in future.</i>		
§ 24. <i>Length of couplings, from the face of the uncompressed buffers to the inside of the screw coupling shackle, the coupling being fully extended and screwed right out.</i>		
Vehicles constructed in future	535 (21 06 ins)	450 (17.72 ins)
Vehicles constructed before 1939	550 (21 65 ins)	450 (17.72 ins)
§ 25. <i>Dimension of the screw coupling shackle at point of contact with the draw-hook.</i>		
In the direction of traction	40 (1 57 ins)	—
In the direction perpendicular to traction . . .	36 (1 42 ins.)	—
§ 26. <i>It must be possible for any part of the coupling and connecting apparatus (brakes, heating, etc.) that may hang down below 140 millimetres (5.51 ins.) above the crown of the rails, to be screwed up or suspended so as to be maintained at not less than that height.</i>		
§ 27. <i>Space to be allowed for the shunter at the ends of vehicles on each side of the longitudinal centre line between the drawgear, the buffer head and rigid parts projecting beyond the headstock.</i>		
Depth parallel to the longitudinal centre line of the vehicle, the buffer being fully compressed .	—	300 (11.81 ins)
Width	—	400 (15 75 ins)
Height above crown of rails.		
for vehicles constructed in future	—	2 000 (6 ft 6 74 ins.)
for vehicles constructed before 1939	—	1 800 (5 ft 10 87 ins)
For vehicles constructed before 1909 no height limit is fixed.		

	Millimetres.	
	Maximum.	Minimum.
§ 28.		
1. Distance from cabooses or other fixed parts projecting beyond the ends of the vehicles, to the face of the fully compressed buffers	—	40 (1.57 ins)
2. Distance from the extremities of the footboards running alongside the vehicles to the face of the fully compressed buffers	—	150 (5.91 ins)
§ 29.		
Two hand rails for the use of shunters must be placed under each of the headstocks of goods wagons constructed in future.		
These handrails must be fitted on existing goods wagons before 1st January, 1940.		
§ 30.		
1. The cranks or handwheels of screw brakes must be so disposed that the brakes are applied by turning the crank or handwheel in a clockwise direction.		
2. Cabooses on future goods wagons with screw brakes must be at floor level, enclosed on all sides and accessible from both sides of the wagon.		
§ 31.		
1. Passenger carriages, baggage vans and mail vans for incorporation in passenger trains must be fitted with a <i>continuous automatic brake</i> able to function in conjunction with the brake systems employed on the lines used.		
2. <i>Emergency brake handles</i> (alarm signals) actuating the continuous brake must be installed in passenger carriages in such a manner that they can be easily seen and reached by passengers without having to pass through a door. They need not be installed on the platforms at the ends of vehicles or in lavatories.		
Service compartments of baggage vans and mail vans must be fitted with an emergency brake handle (alarm signal).		

	Millimetres.	
	Maximum.	Minimum.
<p>§ 32.</p> <p>Goods wagons fitted in future with a <i>continuous freight train brake</i> must be fitted with a type of brake admitted in international traffic by Technical Unity.</p>		
<p>§ 33.</p> <p><i>Metal spark shields</i> or equivalent means of protection must be fitted above the braked wheels of wooden floored vehicles constructed in future.</p>		
<p>§ 34.</p> <p>1. <i>Side doors</i> opening outwards on passenger carriages constructed in future must be fitted with fastening devices of such construction that the door can be automatically double fastened by pushing it to.</p> <p>This double fastening must be effected either by two separate appliances or by a single appliance having a double action.</p> <p>2. <i>Square key locks</i> on the doors of passenger train carriages and vans must be capable of being actuated with one of the two keys shown in Annex B hereto.</p> <p>For vehicles constructed in future these locks must be actuated with the female key.</p>		
<p>§ 35.</p> <p><i>Outside sliding doors</i> must be so constructed that they cannot fall off their guides.</p>		
<p>§ 36.</p> <p>Passenger carriages, mail vans and baggage vans of passenger trains running on <i>lines electrified by means of overhead conductors</i> must be so constructed in future that it shall not be necessary to climb on to the roof nor on to ladders or foot-steps attached to the upper part of the vehicles in order to carry out normal working operations such as the placing of tail lamps or "discs" etc. or the filling of water tanks.</p>		

	Millimetres.	
	Maximum.	Minimum.
<p style="text-align: center;">§ 37.</p> <p>Vehicles must bear the following <i>lettering and marks</i> on each side:</p> <ol style="list-style-type: none"> 1. The designation of the railway to whom the vehicle belongs and, for goods wagons, the country of origin if this is not recognisable from the designation of the owning railway. 2. For all vehicles:—The serial number of the vehicle and an indication of the type or category; for passenger carriages, the class in addition. The type or category need not be marked on private owner's wagons. 3. The tare. 4. For wagons and baggage vans—The maximum and normal load or the normal load only. If only one load indication is shown it must be the normal load, and the maximum load shall be 5 per cent. over this. 5. For goods wagons fitted with a caboose brake: The braked weight ascertained by multiplying by 10.6 tns the actual total pressure on the brake blocks obtained with an effort of 50 kilogrammes (110 lbs.) on the brake handle, when the braked weight is less than the total weight (tare plus normal load). 6. For wagons used for the conveyance of live-stock:—The floor space in square metres. 7. For tank, tun, etc., wagons:—The capacity of the receptacles in cubic metres, hectolitres or litres. 8. The date of the last inspection. 9. For vehicles requiring periodical lubrication:—The lubrication period and the date of the last lubrication. 10. For non-bogie vehicles:—The wheelbase (see § 8). For bogie-vehicles:—The distance between bogie centres, and, on the bogies, the bogie wheelbase, using the sign shown in Annex C hereto. 		

	Millimetres.	
	Maximum.	Minimum.
11. For vehicles complying with the provisions of Article 3 § 9/3:—The sign shown in Annex D. hereto.		
12. For goods wagons complying with the provisions of— Article 3 § 6/2:—The sign shown in Annex E. hereto		
13. For Private Owners' vehicles:— The sign P and in addition thereto, in the case of goods wagons, the name under which they are registered, the home station and an indication of the goods they are intended to carry.		
14. For railway-owned tank wagons:—An indication of the commodities they are intended to carry.		
15. The type of continuous brake.		
16. For goods wagons fitted with a compressed air brake complying with the provisions of— Article 3/§ 32:—The distinctive signs shown in Annex F. hereto.		

Article 4

Condition of Vehicles

	Millimetres.	
	Maximum.	Minimum.
A. STATE OF REPAIR		
§ 38.		
Vehicles must be kept in such a state of repair as not to compromise the safety of working in any way.		
§ 39.		
When a vehicle passes on to the system of an adjoining country, not more than three years must have elapsed since the date of the last <i>detailed inspection</i> .		
When returning to their home country, however, vehicles able to run, whether loaded or otherwise, must be accepted by intermediate Administration notwithstanding that the period above referred to may have expired.		

	Millimetres.	
	Maximum.	Minimum.
<p>§ 40.</p> <p><i>Thickness of fitted tyres</i> measured in the plane of the tread circle the tread circle being the circle formed in a vertical plane 70 millimetres (2.76 ins.) from the inside edge of the tyre by the intersection of the running surface of the wheel.</p> <p>As regards new solid wheels of rolled or forged steel, the wear limits for the parts equivalent to tyres must be indicated by the bottom of a circular groove concentric to the wheel and marked on the outside.</p>	—	25 (98 in)
<p>§ 41.</p> <p>Height of wheel flange beyond the tread circle (See § 40)</p>	36 (1 42 ins)	25 (98 in)
<p>§ 42.</p> <p><i>Outside gauge of wheel flanges</i> measured at 10 millimetres (.39 in.) below the tread circles (see § 40) near the rails, the vehicles being loaded or empty</p>	1 426 (4 ft. 8 14 ins)	1 410 (4 ft. 7 51 ins.)
<p>§ 43.</p> <p>1. Axle boxes must be adequately supplied with lubricating material.</p> <p>As regards vehicles requiring periodical lubrication, the period for lubrication must not be exceeded.</p> <p>2. Vehicles fitted with axle-boxes requiring periodical lubrication and designed for refilling, must be treated as ordinary vehicles requiring lubrication should the lubrication period expire when the vehicle is off its home system.</p>		
<p>§ 44.</p> <p>Vehicles returning empty must be accepted by the owning system whatever their condition of repair.</p>		

B. DEFECTS JUSTIFYING REFUSAL

§ 45

Wheels and Axles

1. Wheel showing signs of displacement on the axle.

Sweating of oil between axle and wheel boss does not constitute absolute proof of displacement—there must be definite evidence of the latter.

2. Wheel with split boss.

3. Wheel with spoke rim broken through. Rims showing incipient rupture do not constitute grounds for refusal.

4. Wheel with one spoke broken right through or with more than one spoke fissured.

5. Solid wheel or solid wheel centre with radial fissure more than 20 millimetres (.79ins.) long or with more than one radial fissure, irrespective of length.

Solid wheel or solid wheel centre with a circular fissure extending over one-tenth or more of the circumference of the circle in which it lies.

6. Solid cast wheel cracked (see § 10).

Solid cast wheel with cracks on the outside edges exceeding 10 millimetres (.39 ins.) in the direction of the wheel axis.

Solid cast wheel with broken flange repaired by pieces of metal attached by autogeneous welding.

Slight scale on the tread and unimportant casting flaws in the body of the wheel do not constitute grounds for refusal.

7. Wheel with flange less than 20 millimetres thick (.79 in.) measured 10 millimetres (.39 in.) below the tread circle (see § 40).

This provision does not apply to intermediate wheels of non-bogie vehicle and intermediate bogie wheels.

Wheel with flange worn to a sharp edge.

8. Wheel with a flat on the tread, having a versed sine of more than 3 millimetres (.12in.)

9. Wheel with tread partly crushed, flange broken or showing transversal or longitudinal fissure.

10. Wheel with fitted tyre:

(a) When the tyre is loose or exhibits traces of transversal displacement, (Displacement by rotation in the plane of the wheel, of a tyre fixed by circular clamp, retaining or safety ring does not constitute grounds for refusal if there are no traces of transverse movement or other indications of displacement.)

(b) In cases where tyres are fixed by means of fitted retaining rings:— when the lips of the tyres or the rings themselves have cracks more than 100 millimetres long (3.94 ins.) or when more than two of the bolts fixing the retaining rings are broken.

11. Axle showing a crack or incipient fracture, or axle with such defects repaired by welding.

Axle out of true.

12. Axle with brake rods or other parts in contact, if such parts cannot be removed without difficulty or suspended so as to prevent contact and prevent the parts falling.

Axle worn in parts to sharp edges by friction.

Axle worn in parts by friction to a depth of more than 2.5 millimetres (.10 in.)

§ 46.

1. Axle box damaged to such an extent as no longer to retain the lubricating material.

Damage to the housing of the dust shield not extending to the oil chamber does not constitute ground for refusal.

2. Axlebox wearing surfaces not engaging with axleguard horns for all positions of the box.

3. Axlebox with fibre packing and wood shavings holding the lubricant.

4. Overheated bearings.

§ 47

Bearing Springs

1. Longitudinal displacement of a bearing spring or its main plate, such displacement being 20 millimetres (.79 in.) in the case of a rigid axle or more than 10 (.39 in.) millimetres in the case of a flexible axle.

2. Rupture of the main plate of a bearing spring.

3. Rupture of a single intermediate plate if the distance between the damage and the middle of the spring is less than one quarter of the length of the plate.

4. Rupture of a spiral or helical spring forming part of the main suspension.

5. Rupture of an auxiliary spiral or helical spring acting as a shock absorber if causing a marked disturbance of the main suspension.

6. Absence or rupture of a necessary part in the fixation of the springs. Loose spring-buckle.

7. Distance of less than 10 millimetres (.39 in.) between the buckle of the bearing spring and the parts of the vehicle body or sole bar likely to come into contact therewith.

Recent traces of contact between the spring buckle and the vehicle body or solebar.

Old traces of contact on spring buckle or between the springs and the lateral spring stops, do not constitute grounds for refusal.

8. Recent traces of contact between wheels and vehicle body or solebar.

9. Vehicles with not more than 4500 millimetres wheelbase (14 ft. 9. 17 ins.) returning empty to their home system may not be refused on account of the defects indicated in clauses 2 to 8, if the spring suspension is replaced by a solid packing offering every security. Such packing is not allowed for intermediate axles with lateral play.

§ 48

Buffing Gear

1. Absence of a buffer.

2. Absence of parts that prevent the buffer rods or plungers from falling out.

3. Rupture of or damage to the buffing spring or other parts of the buffer when the buffer is put out of action thereby.

4. Damaged buffer casings not safely and securely fixed, or buffer casings which do not ensure that the buffer rods or plungers move in their proper positions.

5. Vehicles returning empty to their home system must be accepted with the defects mentioned in clauses 1 to 4 if able to run without danger at the rear of a train.

§ 49

Draw-Gear

1. Broken main couplings, safety couplings or safety chains, draw-hooks broken or showing incipient fracture, when regulation coupling with other vehicles is rendered impossible.

2. Draw-bar broken or showing incipient fracture, sleeve, bolt or cotter broken or missing.

3. In the case of discontinuous draw-gear.

Any fracture whatsoever of a main draw-spring plate or fracture of any other plate if the distance between the damage and the centre of the spring is less than one quarter of the length of the plate.

Fracture of or damage to spiral or helical draw-springs.

In the case of continuous draw-gear.

Fracture of or damage to a draw spring when the action of the spring is so impaired as to be evident during coupling.

4. Vehicles returning empty to their home system must be accepted with the defects mentioned in clauses 1 to 3, if able to run with safety at the rear of a train.

§ 50

Underframes and Bodies

1. Loose axle-guard which cannot be secured by tightening up the bolts.

2. Non forked axle-guard broken. Non forked axle-guard showing incipient fracture exceeding one quarter of the horizontal section of the metal or showing a crack near and in the direction of a securing bolt, securing rivet or welded joint.

Forked axle-guard having broken vertical leg or broken wing. Forked axle-guard showing incipient fracture exceeding one quarter of the section of the leg or wing, or showing a crack near and in the direction of a securing bolt, securing rivet or welded joint.

3. Cracked solebar, headstocks or cross bearers subjected to any strain from the draw-gear, when the crack extends into the web.

4. Roof covering detached or raised in the case of vehicles having to run on lines electrified by means of overhead conductors.

5. Parts of the body framework completely broken, damage to doors and door fastenings and guides, also to the sides, ends, floor or roof, when such damage may involve deterioration of the load or danger to the working of traffic.

6. Vehicles returning empty to their home system may not be refused on account of damage as specified in clauses 1 to 5 unless their further running would be dangerous.

§ 51

Brakes

1. Damaged continuous brake on passenger carriages running in passenger trains.

2. Goods wagons with brakes damaged or not working must not be refused, but must be furnished with conspicuous labels indicating that the brake is unusable.

Damaged or loose parts which might cause danger in working or otherwise give rise to damage must be removed or secured.

§ 52.

Vehicles sent back empty must be accepted by the owning Administration irrespective of any defects justifying refusal.

Article 5

Loading of Wagons

§ 53.

The load must be in such condition as not in any way to cause danger in working.

§ 54.

Articles loaded must be so disposed and secured that they cannot be displaced by the jolts and impacts of normal working.

§ 55.

The load must be spread as evenly as possible over all the wheels of the wagon.

§ 56.

A load must not exceed the maximum carrying capacity of the wagon. When no maximum limit is marked, an overload of 5 per cent. beyond the normal load marked on the wagon is allowed.

(For the axle load and weight per metre run see § 7).

§ 57.

1. The load of open wagons must not, with the wagon in its mean position on a straight piece of track, exceed at any point the loading gauges of the lines to be travelled over.

In order to allow for passing round curves, the width of loads must be reduced in accordance with the loading tables (Annexes G, H and J hereto) or in accordance with the special regulations in force on the lines traversed.

The loading gauges and gauge reduction regulations in force on the various lines must be notified to the party States.

§ 58.

The load of open wagons must not project beyond the head stock unless a space measuring not less than 400 millimetres (16 ins.) remains between the load and the faces of the uncompressed buffers up to a height of 2,000 millimetres (6 ft. 7 ins.) over the crown of the rails, and measuring not less than 200 millimetres (8 ins.) above that height.

Should the load project beyond the headstock to a greater extent than allowed above, a check wagon must be added.

In either case, for the purpose of linking up the couplings the load must leave an entirely free space extending for not less than 200 millimetres (8 ins.) above the draw-hook and for not less than 200 millimetres (8 ins.) on each side of the centre of the hook. (As regards the free space between the load and the floor and sides of the check wagon, see § 60).

§ 59.

1. Articles of exceptional length which are too long to be borne on a single wagon must as a general rule be loaded on two wagons fitted with swivel bolster. In such case the load must rest entirely on the bolsters.

Other methods of loading long articles may be allowed subject to prior arrangement between the railways concerned (e.g., loading on two or more wagons not fitted with swivel bolsters).

2. Wagons fitted with swivel bolsters may be connected

- by a screw coupling;
- by an iron bar or a wooden bar strongly reinforced with iron;
- by an intermediate check wagon joined to the two bearer wagons by bars or screw couplings;
- by the load itself, if it is able to transmit buffing and tractive efforts.

3. A load resting on the swivel bolsters of two wagons must project at least 300 millimetres (1 ft.) beyond the bolsters when the wagons are connected by couplings and at least 1,000 millimetres (39.4 ins.) when the wagons are connected solely by the load (for exceptions see § 61, clause 1).

§ 60.

1. When swivel bolster wagons or end or intermediate checkwagons are used, the load must be

separated from the floor of the wagons by a vertical distance of not less than 100 millimetres (4 ins.);

separated from the sides of the wagons by horizontal distances not less than those specified in Annex J hereto, unless the sides are 100 millimetres (4 ins.) or more below the level of the bottom of the load.

2. Other goods may also be loaded on check wagons whether end or intermediate.

In this case the minimum spaces stipulated in clause 1 must be observed between the principal load and the other articles.

The ends of the load must be not less than 350 millimetres (14 ins.) from the end planking of the check wagons or other articles loaded thereon.

Such articles must be secured so as not to become displaced.

3. Not more than one intermediate check wagon must be employed.

4. During the journey to destination the couplings between the wagons bearing the principal load and the end or intermediate check wagons must not be slackened or altered.

§ 61.

1. If wagons are connected by the load, the pivots of the swivel bolsters must be fitted with devices to prevent the bolsters being forced off their pivots.

If wagons conveying timber are only connected by the load, the top of each swivel bolster must be provided with sharp hooks, and the load borne by each bolster must not be less than 7,500 kilogrammes. (7½ tons).

Constructional iron and steel, etc., on wagons which are only connected by the load must be secured to the swivel bolsters by means of splices, screws or similar devices. The use of ropes or chains alone to secure the load is not sufficient.

In the case of constructional iron and steel, etc., it is not necessary for the load to project beyond the swivel bolster to the extent laid down in § 59, clause 3.

2. The load must be so secured to the swivel bolsters that there is no possibility of any lifting and that buffing and tractive efforts may be fully transmitted.

In the case of iron and steel, etc., soft wood should be placed between the load and the swivel bolster, over the whole width of the latter.

§ 62.

1. Sheets covering loads must be firmly secured.
2. Loads of inflammable materials must be protected by sheets.

Article 6

Regulations for the Conveyance of Goods under Customs seal and Special Conditions to be Complied with by Vehicles Used for such Conveyance.

§ 63

General

1. Vehicles with open-boarded sides, ends or floors may be used only for goods which cannot be removed or exchanged in whole or in part through the spaces between the boards.

Liquids or goods in grain or powder form must not be conveyed in such vehicles even if packed in receptacles or bags.

2. Vehicles and compartments of vehicles must be so constructed as to be easily and securely closed in order that the goods contained in the loading space cannot be removed or other goods introduced without the use of force and without leaving visible traces.

Damaged vehicles are unfit for the conveyance of dutiable goods when as the result of the damage there are openings through which goods can be removed or other goods introduced.

3. Vehicles or their compartments must not contain any spaces hidden from view or difficult to find, capable of holding goods or baggage.

4. Where vehicles have several separate compartments, each compartment must be distinguished by a letter.

§ 64

Covered Wagons, Wagons with Flap Covers and Tank Wagons

1. The sides, ends, floor, roof and all such parts of the compartment as are intended for goods or baggage must be so fixed that they cannot be detached and replaced from the outside without the use of force and without leaving visible traces.

The space between sliding doors when closed and the fixed parts of covered wagons must not exceed 20 millimetres ($\frac{3}{4}$ in.).

2. The upper and lower guides of sliding doors must be so fixed that when closed, the doors cannot be opened or lifted without leaving visible traces.

3. Sliding doors must be so constructed that when closed they cannot be lifted or removed from their rails without leaving visible traces, or else be furnished with safety devices for ensuring this.

Such safety devices consist, for instance, of a hook which, when the door is closed, automatically engages in an eye riveted to the door rail, or of an extension of the iron work of the door frame to below the head of the door rail or below the rail itself, or of an angle or a stirrup riveted on to the rail. In exceptional cases the safety device may consist of fitments to permit the use of padlocks or customs seals in order to prevent the raising or removal of the door.

The door runner holders must be so fixed that they cannot be removed without the use of force and without leaving visible traces.

4. Sliding doors must be furnished with hook and eye or with some other equally secure fastening appliance, and when the door is closed it must not be possible to remove these fitments without the use of force and without leaving visible traces.

5. The hinges of folding doors on covered wagons, of covers of tank wagons and of covers and doors of wagons with flap covers must be so fixed that they cannot be removed from the outside without the use of force and without leaving visible traces.

The fixing bolts of door hinges and hinge pins accessible from the outside must be riveted.

6. Doors of wagons not used for ordinary purposes must be fastened up by boarding, battens or iron bands so that they cannot be opened from the outside.

7. Doors of covered wagons, covers and doors of wagons with flap covers and also the closing devices for the orifices of tank wagons must be furnished with eye bolts for fixing thereto the padlocks, seals or other customs fastening appliances for rendering it impossible to open them without breaking the customs seals. The flanges of outlet pipes of tank wagons must be furnished with padlocks or customs seals when such pipes are not themselves shut off from the interior of the receptacle by cocks, etc., to which customs seals can be applied, unless the threaded parts of the bolts beyond the nuts joining the flanges are riveted.

The eye bolts must have an inside diameter of not less than 15 millimetres ($\frac{5}{16}$ in.).

The eye bolts or other fastening devices must be fixed in such a way that they cannot be removed without the use of force and without leaving visible traces.

The nuts of fixing bolts of the closing devices must in principle be on the inside. If this is not possible the threaded part beyond the nut must be riveted or permit the application of customs seals or padlocks.

8. Windows, ventilating apertures and other openings must be so protected as to prevent removal of goods or the introduction of other goods.

If the windows and apertures are protected by bars, gratings, lattice work, or perforated sheet metal, the openings remaining must not exceed 30 square centimetres (4.6. sq. ins.). The safety devices must be so fixed that the various parts cannot be removed without the use of force and without leaving visible traces.

If the windows and openings are protected by sliding or folding shutters the latter must be so fixed and capable of being fastened that they cannot be opened from the outside without the use of force and without leaving visible traces. Sliding or folding shutters opening from the outside can also be fastened by customs seals or padlocks as indicated in clause 7.

Drainage holes in the floor must be covered with a grating or similar device when more than 35 millimetres (1.4 ins.) in diameter.

9. If, owing to their particular nature, goods have to be conveyed in covered wagons with the doors partly open, the latter must be furnished with hooks and eyes or other device offering equal security. These devices must be so fixed that they cannot be removed even when the door is partly open without the use of force and without leaving visible traces. If the opening is such that it is possible to remove the goods or introduce other goods it must be protected by a grating, lattice work, etc., as indicated in clause 8.

§ 65

Open Wagons

Open wagons provided with rings or similar fitments enabling sheets to be secured may be used for the transport of goods under customs seal contained in packages weighing individually not less than 25 kilogrammes (55 lbs.) or goods the conveyance of which is not permissible or not usual in covered wagons or wagons with flap covers, either owing to their bulk (large machines, boilers, etc.) or by reason of their nature (timber, cotton, coal, sand, stone, minerals, iron, cattle, herrings, fish oil, petroleum, etc.).

In such cases it is left to the customs officers to decide in conformity with the instruction of their Authorities whether the removal or exchange of goods should be prevented by covering them with a sheet, by affixing seals or by other measures, or whether the use of sheets or other measures should be abstained from in order not to conceal the identity of the goods. The competent Authority may also require such loads to be accompanied by an escort.

The instructions issued by the Administrations of each State for implementing the above paragraph will be notified to all the other contracting States.

§ 66

Sheets

1. For the attachment of sheets, wagons must be furnished with closed and welded rings. The ring bolts must be placed not more than 1150 millimetres ($45\frac{1}{4}$ ins.) apart and be so fixed to the wagon that they cannot be removed from the outside without the use of force and without leaving visible traces. The rings must be so placed that the fastening rope will prevent the opening of the doors or the removal of detachable sides or ends when the sheet is secured.

2. The borders of sheets must be provided with holes protected by metal eyelets to take the fastening rope. Such holes must be about the same distance apart as the rings fixed to the wagon. Sheets must be of sufficient size and in good condition. All seams, including seams of pieces attached, must be on the inside or be double, i.e., formed of two rows of stitching 15 to 25 millimetres ($\frac{1}{2}$ to 1 in.) apart.

3. The fastening ropes must be in one piece and provided with metal points at both ends. Behind the points there must be eyelets allowing customs seals to be applied after the ends of the cord are knotted.

INTERNATIONAL COTTON ADVISORY COMMITTEE

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Cotton Advisory Committee was founded in accordance with a resolution adopted at a meeting held on September 5-9, 1939 of some of the principal cotton exporting countries, to wit, Anglo-Egyptian Sudan, Brazil, British Colonies exporting cotton, Egypt, French Colonies exporting cotton, India, Mexico, Peru, the U.S.S.R. and the United States.

In 1945 a study group was appointed by the Committee to prepare a report to include definite proposals for international collaboration looking toward a reduction in cotton surpluses through the regulation of one or more of the following: exports, export prices, and production, and also through expansion of cotton consumption. The study group was unable to arrive at an agreed program but recommended that the International Cotton Advisory Committee itself continue to study the international problems. At the same time an invitation was extended to the governments of nations which considered their interests substantial in production, importation and/or exportation of cotton, to join the Committee.

Rules and Regulations were adopted on May 28, 1952. They provide that a government may withdraw from membership by notification to the Secretary General.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

The functions of the Committee are to observe and keep in close touch with developments in the world cotton situation, to collect and disseminate complete, authentic and timely statistics on world cotton production, trade, consumption, stocks and prices, to suggest, as and when advisable, to the governments represented any measures the Advisory Committee

¹ Rules and Regulations Art. 2, Sec. 3.

considers suitable and practicable for the furtherance of international collaboration.¹

ORGANS

The organs are:

(1) A Plenary Meeting of the Committee, composed of representatives of member governments, which meets once a year.²

(2) A Standing Committee, composed of representatives of all member governments, which meets each month.³

(3) An Executive Secretary and Staff.⁴

MEMBERSHIP

The members are Argentina, Australia, Austria, Belgium, Brazil, Canada, Colombia, Denmark, Egypt, Finland, France, Germany, Greece, Guatemala, India, Italy, Japan, Korea, Mexico, Netherlands, Nicaragua, Norway, Pakistan, Peru, Philippines, Portugal, Spain, Sudan, Sweden, Switzerland, Turkey, United Kingdom and the United States.

MEANS OF FINANCIAL SUPPORT

Financial contributions by governments are assessed periodically by the Committee.⁵

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Rules and Regulations contemplate co-operation with interested international organizations including the FAO and the Interim Coordinating Committee for International Commodity Arrangements of the United Nations.⁶

HEADQUARTERS

Its headquarters are in Room 1415, South Agriculture Building, Washington, 25, D.C. U.S.A.

¹ Id., Art. 1.

² Id., Art. 3.

³ Id., Art. 4.

⁴ Id., Art. 5.

⁵ Id., Art. 2. Sec. 4.

⁶ Id., Art. 9.

RESOLUTION OF THE FIRST PLENARY MEETING OF THE INTERNATIONAL COTTON MEETING¹

September 1939

We, the representatives of the Governments of India, Egypt, Brazil, the British Colonies exporting cotton, the French Colonies exporting cotton, the Union of Soviet Socialist Republics, Peru, Mexico, the Anglo-Egyptian Sudan, and the United States, have considered the world cotton situation and we agree that the regulation of the world cotton supplies in relation to demand would help materially in improving the existing unbalanced condition.

Normally we would have recommended steps to achieve international agreement for this purpose, but we realize that, under existing international conditions, such a course is impracticable. As an interim measure, therefore, we agree to make the following recommendation to our respective Governments:

1. That an advisory committee be set up in Washington representing the countries participating in the present conference, and including in addition representatives of other important cotton growing and exporting nations; such committee to undertake the following functions:

(a) To observe and keep in close touch with developments in the world cotton situation.

(b) To suggest, as and when advisable, to the Governments represented any measures the committee considers suitable and practicable for the achievement of ultimate international collaboration.

RULES AND REGULATIONS OF THE INTERNATIONAL COTTON ADVISORY COMMITTEE²

May 28, 1952

Terms of Reference

Art. 1. Sec. 1. The functions of the International Cotton Advisory Committee (hereinafter referred to as the Advisory Committee) are:

(a) To observe and keep in close touch with developments in the world cotton situation.

(b) To collect and disseminate complete, authentic, and timely statistics on world cotton production, trade, consumption, stocks and prices.

¹ Source: International Cotton Advisory Committee, Doc. 9, XI.

² Published by the Secretariat.

(Art. 1, *contin.*)

(c) To suggest, as and when advisable, to the governments represented any measures the Advisory Committee considers suitable and practicable for the furtherance of international collaboration.

Sec. 2. It shall be the responsibility of the Advisory Committee to:

(a) Make all final determinations of policy within its purview as a consultative and advisory body. The advisory Committee may, however, by resolution delegate to the Standing Committee authority for specific determinations of policy or other specific determinations and may modify or withdraw any such delegation of authority or reconsider any determination or decision of the Standing Committee.

(b) Review periodically the activities of the organization, and outline its program of work.

(c) Examine the financial needs of the organization and fix the scale of contributions of member governments for its support.

(d) Establish a budget of expenditures, in accordance with its program of work.

(e) Determine the dates and places of plenary meetings.

Membership

Art. 2. Sec. 1. Eligibility for Membership

(a) Invitations to accede to the Advisory Committee are open to all members of the United Nations or of the Food and Agriculture Organization of the United Nations, having a substantial interest in cotton.

(b) The Standing Committee is authorized to consider and to act on applications for membership from any other country having a substantial interest in cotton.

(c) The International Cotton Advisory Committee at plenary sessions is also authorized to consider and accept any applications for membership in accordance with provisions of accession outlined under Section 2 below.

Sec. 2. Accession to Membership: Commitments of Acceding Governments

Accession of any Government to the Advisory Committee shall be effected by the following procedure:

a. A government desiring to accede shall address a letter to the General Secretary stating that:

- (1) It considers that its interest in cotton is substantial;
- (2) It is prepared to fulfil the obligations of membership with respect to:

(a) The acceptance of all rules, regulations and resolutions of the Advisory Committee in effect at the time,

(b) The submission of economic and statistical information concerning the cotton situation and related matters within its own country in accordance with the prescribed requirements of the Advisory Committee and any work programs that may be approved from time to time, and

(c) The prompt payment of its assessed financial contribution.

b. The Standing Committee shall thereupon consider the communication of the government desiring to accede and shall take action as follows:

(1) The accession of any invited government shall be confirmed by the Standing Committee in a regularly announced meeting. The Standing

(Art. 2, contin.)

Committee shall at the same time confirm the amount of the financial contribution assessed to such government in the year of its accession.

(2) The accession of any other government applying for membership in the Advisory Committee shall be approved only upon the affirmative vote of a majority of the representatives of member governments present and voting in a regularly announced meeting. The Standing Committee shall at the same time confirm the amount of the financial contribution assessed to such government in the year of its accession.

c. The General Secretary shall notify the acceding government by letter of the Standing Committee's action.

Sec. 3. Withdrawal from Membership

The withdrawal of any government from membership in the Advisory Committee shall be effected by the following procedure:

(a) Any government desiring to withdraw shall address a letter to the General Secretary to that effect, stating the date on which it is desired to make the withdrawal effective;

(b) The Standing Committee shall acknowledge the withdrawal in a regularly announced meeting and shall at the same time note the condition of the financial account of the withdrawing member with the Advisory Committee;

(c) The General Secretary shall notify the withdrawing government of the action of the Standing Committee.

Sec. 4. Financial Obligations of Members

(a) The financial contribution of each member government shall be in accordance with a scale of contributions approved by the Advisory Committee in plenary session for the 12 months beginning on the first day of July following.

(b) Financial contributions shall be due on July 1 of the fiscal year for which they are assessed from all governments which are members on that date.

(c) The contribution of a government newly acceding to membership in the Advisory Committee at any time during a fiscal year shall be the annual assessment pro-rated according to the number of quarters of the year in which the government is a member.

(d) Contributions of any government newly acceding to membership shall be due on the date on which its accession becomes effective.

(e) Whenever the contributions of a member government are in arrears for two fiscal years, the situation shall be reviewed by the Standing Committee and in default of a satisfactory explanation by the government concerned, it shall no longer be considered a member of the Committee after the expiration of another six months.

(f) A government whose membership is discontinued for failure to meet its financial obligations shall not be eligible for reinstatement unless its delinquent assessments are fully paid or unless the Standing Committee decides otherwise in a regularly announced meeting.

(g) On withdrawal of a member, no remission or refund shall be made of any part of its assessment or contribution for that financial year during which the withdrawal took place. The contribution for that year and any delinquent contribution shall be paid in full.

Meetings of the Advisory Committee

Art. 3. Sec. 1. Frequency

(a) The Advisory Committee shall hold not less than one regular plenary meeting in each 12 months' period between the first day of July and the thirtieth day of June following.

(b) Special plenary meetings may be called by resolution of the Standing Committee, adopted by a majority of its members in a regularly announced meeting.

Sec. 2. Location

The Advisory Committee shall hold one plenary meeting every three years at its seat in Washington unless it decides otherwise. In the intervals between such meetings at Washington and upon the invitation of member governments, one plenary meeting should, when feasible, be held in another exporting country and one in an importing country whenever possible.

Sec. 3. Officers

The Chairman of any Plenary Meeting of the International Cotton Advisory Committee shall be designated by the host government, which may also appoint an Alternate Chairman if it so desires. The host government also designates the Secretary-General and other officers of the meeting. Two of them should be the Secretary-General and the Executive Secretary of the Committee.

Standing Committee

Art. 4. Sec. 1. Between one plenary meeting and another, the Advisory Committee shall continue to function at Washington as a Standing Committee consisting of representatives of the member governments.

Sec. 2. Duties and responsibilities

(a) To provide a medium for exchange of views in regard to current developments in the international cotton situation.

(b) To develop further the work on an instrument of international collaboration to deal with the world cotton situation;

(c) To create and maintain at Washington a Secretariat for the purpose of supplying complete, authentic and timely statistics on world cotton production, trade, consumption, stocks, and prices;

(d) To employ such staff as it may deem necessary for the purpose, having in mind the desirability of drawing qualified personnel as broadly as possible from participating countries; to establish regulations covering the staff; to define their duties and responsibilities and fix their tenure of office, and the terms of their compensation;

(e) To determine the number, nature and distribution of reports to be issued;

(f) To propose to the Advisory Committee a program of work and a budget for the next following fiscal year and to recommend a scale of contributions for member governments;

(g) To receive contributions of funds from member governments of the

(*Art. 4, contin.*)

Advisory Committee in accordance with the approved scale of contributions, and to supervise the expenditure of such funds in accordance with the approved budget;

(h) To determine and fix the date and place of the next meeting of the Advisory Committee in accordance with the decisions of that committee and to prepare draft agenda for plenary meetings and make recommendations for consideration by the Advisory Committee in such meetings;

(i) Between one plenary meeting and another, the Advisory Committee shall continue to function at Washington as a Standing Committee consisting of representatives of the member governments;

(j) To give practical effect to all directions and recommendations of the Advisory Committee.

Sec. 3. *Procedure of Standing Committee*

(a) *Meetings* of the Standing Committee, unless otherwise agreed upon by members, shall be held regularly each month on a date agreed upon. Additional Standing Committee meetings may be held at the call of the Chairman after notice of not less than two weeks in each instance, unless agreed otherwise in a previous meeting.

(b) *Agenda* should be prepared by the Executive Secretary in consultation with the Chairman and transmitted to the members with the notice of the meetings. Upon meeting, the members should approve the agenda in advance of discussion.

(c) More than one-third of the membership shall constitute a *quorum* at meetings of the Standing Committee.

(d) *Minutes* of meetings should be prepared in summary form and, when approved, distributed to all member governments of the International Cotton Advisory Committee.

(e) Provision for the consideration of *current international cotton problems* should be made from time to time in the agenda as the occasion requires.

Officers

Art. 5. Sec. 1. (a) In intervals between plenary meetings the officers of the Standing Committee shall be the officers of the Advisory Committee. Officers of the Standing Committee shall be:

- a. Chairman
- b. Vice-Chairman
- c. Secretary-General
- d. Executive Secretary

(b) Officers serving without compensation, including the Chairman, Vice Chairman, and Secretary-General, shall hold office until the election of their successors. All expenses of these officers shall be paid by their own governments unless the Standing Committee decides otherwise for particular and specific assignments involving travel costs.

Sec. 2. *Chairman of Standing Committee*

(a) The Chairman of the Standing Committee is the principal presiding

(Art. 5, *contin.*)

and moderating officer and *ex officio* a member of all sub-committees. He shall be elected by the members of the Advisory Committee in the annual plenary meeting.

(b) If for any reason the Chairman of the Standing Committee shall be compelled to relinquish his position during the interval between plenary meetings of the Advisory Committee, the Standing Committee shall appoint an *ad interim* Chairman of the Standing Committee who shall act until the next following plenary meeting.

Sec. 3. *Vice-Chairman of the Standing Committee*

The Vice-Chairman shall in the absence of the Chairman preside over meetings of the Standing Committee. He shall be elected at the meeting of the Standing Committee immediately following the annual Plenary Meeting.

Sec. 4. *Secretary-General of the Standing Committee*

The Secretary-General shall be elected annually by the Standing Committee at a meeting immediately following the Annual Plenary Meeting. He shall serve as Secretary-General of the Standing Committee and as a member *ex officio* of all sub-committees and may make recommendations to the Standing Committee concerning the policies and program of work of the Committee. The Secretary-General shall have primary responsibility for all matters of protocol and for communications with governments and with other international bodies, excepting communications necessary in the assembling and distribution of statistical and other economic information and other technical or financial administrative work of the Committee. The Secretary-General, under instructions of the Standing Committee, shall represent the Advisory Committee in arrangements with the host governments for plenary meetings and shall have supervisory responsibility in the preparation of the agenda, minutes, and related documents of all meetings of the Advisory Committee and shall have consultative responsibility in the preparation of the agenda of the Standing Committee. He shall be custodian of all constitutional records, bonds, and like documents.

Sec. 5. *Executive Secretary of the Standing Committee*

The Executive Secretary shall be a full-time paid employee appointed by the Standing Committee and shall hold office during the period in which his contract of employment is in force. It shall be a condition of his employment that he does not hold or shall cease to hold any substantial financial interest in the cotton trade and that he shall not seek or receive instructions regarding his duties from any authority external to the Committee. He shall serve as Executive Secretary of the Standing Committee and as secretary of its sub-committees unless he delegates this responsibility to a member of his staff. He shall be responsible for the preparation of the agenda for meetings of these committees in consultation with the Chairman and shall be responsible for the preparation of minutes and notes of meetings. He shall be in charge of the staff of the Secretariat, shall have full responsibility for the work program assigned to the Secre-

(*Art. 5, contin.*)

tariat, and shall be the Treasurer of the Committee. He shall have primary responsibility for all communications with governments necessary to the assembling and distribution of statistical and other economic information and other technical and financial administrative work of the Committee. He also shall have full responsibility for the preparation of technical documents for plenary meetings, including proceedings, and shall assign technical assistance to sub-committees at plenary meetings in consultation with the Secretary-General and the host government. In addition he shall be responsible for such other duties or responsibilities as are assigned to him from time to time by the Committee.

Sec. 6. The Standing Committee may by resolution as it finds necessary for the efficient conduct of business redefine the duties and responsibilities of any officer elected by it or employed under its jurisdiction, and report any change to the Advisory Committee.

Sub-committees of the Standing Committee

Art. 6. Sec. 1. In pursuance of Section 2 of Article 4, the Standing Committee

(a) Shall establish two regular sub-committees, a Sub-committee on Finance and a Sub-committee on Information.

(b) May establish other sub-committees or working groups, prescribe their terms of reference, and terminate or discharge them.

Sec. 2. Authority of Sub-committees

The Standing Committee may delegate authority to any sub-committee to act on specific matters coming within its own terms of reference and may modify or withdraw such delegations.

Sec. 3. Membership of Regular Sub-committees

The membership of regular sub-committees shall be subject to review at an early meeting of the Standing Committee after the annual plenary meeting.

Sec. 4. Attendance at Sub-committee Meetings

Meetings of regular sub-committees shall be open to any member of the Standing Committee wishing to attend. The secretary will see that all members are informed of sub-committee meetings.

Sec. 5. Terms of reference of the Sub-committee on Finance are:

(a) Powers to study and to make recommendations to and to prepare draft resolutions for the Standing Committee on:

- (1) Budget for the ensuing fiscal year;
- (2) Contributions of member governments;
- (3) Composition of Secretariat;
- (4) Salary scales, terms of employment, staff retirement plan and any other staff regulations;
- (5) Appointment of Executive Secretary.

(b) Powers to act on:

- (1) Election of Sub-committee Chairman and Vice-Chairman;
- (2) Rules of procedure;

(*Art. 6, contin.*)

- (3) Supervision of finances in accordance with the approved budget;
- (4) Approval of appointments of personnel (except Executive Secretary);
- (5) Functions entrusted to it in connection with employees Staff Retirement Plan.

(c) The foregoing powers are subject to increase or modification by further action of the Standing Committee.

Sec. 6 *Terms of reference of the Sub-committee on Information are:*

a. Powers to study and to make recommendations to and to prepare draft resolutions for the Standing Committee on:

- (1) Policy and arrangements for acquiring information;
- (2) Arrangements for professional consultation and co-operation in improvement of statistics;
- (3) Program and schedule of reports and other information;
- (4) Circulation and publication policy;
- (5) Arrangements for distribution of published information;
- (6) Public relations.

b. Powers to act on:

- (1) Election of Sub-committee Chairman and Vice-Chairman;
- (2) Rules of procedure.

c. The foregoing powers are subject to increase or modification by further action of the Standing Committee.

Fiscal Procedures

Art. 7. Sec. 1. Accounts and Audits

a. Expenditures of the Advisory Committee shall be debited to the disbursement account of the financial year in which payments are actually made, irrespective of when the expense was incurred.

b. Contributions and other payments to the Advisory Committee shall be credited to the receipts account of the financial year in which funds are actually received, but without changing the status of contributions.

c. The Standing Committee shall retain an auditor of recognized standing and cause the accounts of the Advisory Committee to be audited not less often than once each year. The auditor's report for the fiscal year ending June 30th shall be distributed to members as soon as available; that is to say, on or about September 1. The most recent audit report, along with a statement of the current financial position of the Advisory Committee, shall be submitted to the Advisory Committee at the next annual plenary meeting.

d. The Executive Secretary shall prepare and submit to the Standing Committee a quarterly statement of the current financial position of the Advisory Committee as of: September 30, December 31, March 31, and June 30.

e. Upon any change of incumbency in the office of Executive Secretary, the Standing Committee may cause a special audit to be made of all financial accounts.

(*Art. 7, contin.*)

Sec. 2 Reserve Fund

a. To provide for the financial stability of the Advisory Committee, there is established a Reserve Fund in an amount to be fixed from time to time by the Advisory Committee.

b. The Standing Committee may in its discretion authorize withdrawals from the Reserve Fund, but only when expenditures made in accordance with the approved budget exhaust the moneys available in the Working Fund.

c. If at any time dissolution of the Advisory Committee appears imminent the Standing Committee shall consider appropriate procedures for the disposition of the Reserve Fund or any other uncommitted balance.

d. In the event the Standing Committee is unable to reach a unanimous decision concerning the method to be followed in the distribution of its assets, the remaining funds shall be pro-rated to the subscribing member governments in proportion to the amounts actually contributed by each throughout the whole period of the Advisory Committee's life.

Sec. 3. Working Fund

Any funds of the Advisory Committee in excess of the Reserve Fund shall constitute the Working Fund.

Sect. 4 Investment

Funds of the Advisory Committee in excess of current requirements may be invested under direction of the Standing Committee in prime short-term income-bearing dollar securities, certificates of deposit, etc.

Sec. 5 Staff Retirement Plan

The Standing Committee is authorized to establish a Staff Retirement Plan for its full-time employees. The Advisory Committee shall make contributions to this Fund equal to the contributions of employees, but not in excess of 6 percent of the annual salary of the Advisory Committee's full-time employees provided that an employee may not be entitled to receive the Advisory Committee's share of the contribution until he has completed two years employment with the Committee.

Provision of Information

Art. 8. Sec. 1 Member governments shall regularly furnish the Secretariat of the Committee with as detailed information as possible on the following:

I. Quantities of cotton lint in local units (for metropolitan countries and dependent territories separately):

1. Stocks, classified by country of growth, when feasible,

(a) in mills and other consuming establishments at month-end

(b) in public and private warehouses, in bond, in transit and all other at month-end. (Entrepot [port] stocks to be separately specified by certain countries),

2. Ginnings (or pressings) monthly throughout the crop season.

3. Imports, classified by country of growth (otherwise origin), monthly.

(Art. 8, *contin.*)

4. Consumption classified by country of growth, when feasible.
 - (a) in spinning mills and other factories, monthly.
 - (b) in households, annual estimate.
5. Burned or otherwise destroyed, annual estimate.
6. Exports, classified by variety and by country of destination, monthly.
7. Re-exports, classified by country of destination, monthly.

II. Prices of basic type (s) in local currencies and weights including prices according to government regulations where in effect.

1. In markets
 - (a) of domestic significance (monthly)
 - (b) of export significance (four midweek quotations also high and low point quotations)

(Commercial charges, governmental export taxes and subsidies, should be indicated to enable the Secretariat to compute the F.O.B. price).

III. Indications of anticipated production such as area of cotton to be planted, fertilizer sales, planting seed distribution, intentions of farmers to plant cotton, governmental area controls and goals.

IV. Forecasts and estimates of areas planted and harvested, yields per acre (where possible) and production (seed cotton or lint) by varieties, if possible, as soon as available, and at least once at time of planting and once when crop matures.

V. Monthly statistics relating to rayon fiber (staple) and rayon filament yarn production, imports, exports, and prices. The latter should be quoted for 1-1/2 denier viscose rayon fiber (staple) and 150 denier viscose rayon filament yarn or as near to the qualities as possible.

VI. Monthly commentary on changes and trends indicated by statistics furnished, and on any changes in governmental policies and business conditions affecting cotton which might be of interest and value to the Secretariat.

VII. Regulations affecting imports of cotton:

1. Duties—Rates of customs duties, basic and preferential, if any.
2. Quantitative regulations.
 - (a) whether imports are subject to license.
 - (b) import quotas, if any, by sources.
 - (c) whether state or centralized import buying is in operation.

3. Financial regulations-allocation of foreign exchange.

VIII. Regulations affecting exports of cotton:

1. Duties, etc.
 - (a) Rates of export tax, if any.
 - (b) Rates of export subsidy, if any.
2. Quantitative regulations
 - (a) Whether exports are subject to license.
 - (b) Export quotas, if any, by destination.
 - (c) Whether state or centralized export selling is in operation.

(*Art. 8, contin.*)

IX. Regulations affecting consumption of cotton:

1. Duties, etc.

(a) Rates of tax on consumption, if any.

(b) Rates of subsidy on consumption, if any.

2. Quantitative regulations-whether supply for consumption is subject to allocation.

X. Regulations affecting production of cotton.

1. Whether price supports, guarantees or subsidies to producers are in existence.

2. Quantitative regulations-acreage controls or other regulations on production, if any.

XI. Regulations affecting cotton prices:

1. Whether official fixed prices or maximum and/or minimum (market) prices are in existence.

Sec. 2 *Coordinating Agencies*

Member governments shall take organizational measures with a view to establishing a permanent national co-ordinating agency or the designation of an existing office or officer for the purposes of:

a. Ascertaining that the Secretariat is provided regularly by air mail with all of the information referred to in Section 1, items I through VI;

b. Providing the Secretariat with data on regulations outlined in Section 1, items VII through XI, whenever a change in them is publicly announced;

c. Distributing to appropriate agencies and officers of their governments all the information and material received from the Secretariat and generally to keep in close contact with it.

Sec. 3 It is recommended to member governments that they take steps for the regular and rapid collection of the information specified in Section 1 if it is not now available, and for furnishing the same regularly to the Secretariat.

Co-operation With Other International Organizations

Art. 9. Interested international organizations such as the Food and Agriculture Organization and the Interim Co-ordinating Committee for International Commodity Arrangements shall be kept informed of the activities of the International Cotton Advisory Committee and shall be invited to attend its deliberations as observers.

Languages

Art. 10. Sec. 1 The official and working languages of the Advisory Committee shall be English, French, and Spanish.

Sec. 2 For practical purposes only, the English language will normally be used in meetings of the Standing Committee but arrangements will be made for a French language officer to attend meetings of the Standing

(*Art. 10, contin.*)

Committee, should his services be required. Insofar as permitted by budgetary limitations, proceedings and information shall be published in Spanish.

Supersession

Art. 11. The Rules and Regulations of Procedure, adopted May 28, 1952, constitute a unified re-statement of the intent and purposes of the Advisory Committee heretofore expressed in certain of its acts and resolutions. They shall supervene and supersede any prior act or resolution inconsistent with or in contradiction to their provisions.

Amendment

Art. 12. These Rules and Regulations may be amended in a plenary meeting of the Advisory Committee by a simple majority of representatives of member governments present and voting, except that matters specifically referred to the Standing Committee may be amended by that body.

INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Council was established by inter-governmental agreement on July 22, 1902 in order to execute the program for the international exploration of the sea adopted at Conferences held in Stockholm in 1899 and Christiania in 1901.¹ The Statutes were revised in 1950. Article 3 provides that "the engagements of states are effective for five years, renewable in the last year of the quinquennial period."

FUNCTIONS AND POWERS OF THE ORGANIZATION

The "main functions" of the Organization are "to encourage all investigations for the study of the sea and to co-ordinate the operations to this end of the participating governments". Its area of operation is roughly the Eastern North Atlantic Ocean and contiguous or adjacent seas including Greenlandic and Icelandic waters.¹

During 1957 and 1958 the Council carried out herring investigations on the Bløden Ground off the west coast of Jutland in order to ascertain whether the continental herring fishing for industrial purposes had caused the decline in the yields of the East Anglia herring fisheries. It was found that the industrial fishing in question had not been responsible for the decline, and it was recommended that international taggings of herring in the North Sea should be continued in future as occasion demanded.

It was also concluded that the countries concerned with fishing in the Baltic should convene a conference in order to prepare a convention designed to protect the demersal stocks of fish in the Baltic. Concerning the arctic cod, it was decided that scientists from England, Germany, Norway and the USSR should meet in Bergen in April 1959 in order

¹ Statutes, Preamble.

to carry out a program of work to elucidate what kind of measures should be taken to protect this important fish stock against over-fishing. It was also recommended that a working-group, consisting of one member from each country participating in the sole fishery of the North Sea should be established to initiate a scheme for tagging soles on an international basis.

ORGANS

The organs are:

(1) A Council, composed of two delegates appointed by the governments interested, each state having two votes.¹

(2) A Bureau, consisting of the President and four vice-presidents appointed annually by the Council from among its members.²

MEMBERSHIP

The members are Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Spain, Sweden, the United Kingdom and the U.S.S.R. There are observers from Canada and the United States.

MEANS OF FINANCIAL SUPPORT

It is supported by contributions by governments, the rates of which are decided by the governments concerned.³

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The organization has working relations with the Food and Agriculture Organization, the International Whaling Commission, the International Hydrographic Bureau and the International Commission for the North-west Atlantic Fisheries.

HEADQUARTERS

Its headquarters are in Charlottenlund Slot, Charlottenlund, Denmark (Post Box 20).

¹ Id., Arts. 1, 2.

² Id., Art. 7.

³ Id., Art. 4.

STATUTES OF THE COUNCIL¹

July 22, 1902 as revised 1950

PREAMBLE. The International Council for the Exploration of the Sea is charged with the execution of the programme for the international investigation of the sea, adopted at the Conference held in Stockholm (1899) and Christiania (1901) and subsequently modified at meetings of the Council, with the approval of the participating Governments.

Its main functions are to encourage all investigations for the study of the sea and to co-ordinate the operations to this end of the participating Governments.

Its area of operation may be roughly defined as the eastern North Atlantic Ocean and contiguous or adjacent seas, including Greenlandic and Icelandic waters.

Art. 1. The Council consists of Delegates appointed by the Governments interested. Each Government appoints two Delegates who may be represented at meetings by substitutes. They may be accompanied by experts who, however, are not entitled to vote.

Art. 2. The votes of the participating Delegates shall be counted in such a manner that two votes shall be reckoned for each State represented on the Council, even if only one Delegate empowered to vote for any State shall be present. The resolutions shall be decided by simple majority, the vote being taken orally.

Art. 3. The engagements of the participating States are effective for five years, renewable in the last year of the quinquennial period. New States may be admitted to the Council with the unanimous approval of the participating States. The engagements of the States which have entered during a quinquennial period are effective until the end of that period.

Art. 4. The rates of contributions to the expenses of the Council are decided by the Governments concerned. The contributions are due on the 22nd of July of each year in respect of the ensuing financial year.

Art. 5. The Estimates and the Accounts of Expenditure run from the 1st of November to the 31st of October.

Art. 6. Unless and until the participating Governments decide otherwise, the seat of the Council is at Copenhagen. The office with the necessary personnel is also at Copenhagen, and normally the meetings of the Council are held there.

The Danish Government has undertaken, if so requested by the Council, to be the medium of communication between the Council and the participating States in respect of the renewal of participation of those States, the admission of new States and the receipt of the contributions of the participating States and their payment to the Council.

Art. 7. The International Council for the Exploration of the Sea is a

¹ Published by the Council.

deliberative body, the executive authority of which is vested in the Bureau consisting of the President and four Vice-Presidents appointed annually by the Council from among its members. The Bureau is entitled to correspond directly with the Governments of the participating States.

Art. 8. Subject to the preceding articles the Council draws up its own rules of procedure.

INTERNATIONAL COURT OF JUSTICE

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This organization, is the "principal judicial organ of the United Nations".¹ Its Statute forms an "integral part"² of the United Nations Charter. It also has basic constitutional documents and sources of jurisdiction extending beyond both the U.N. Charter and the Statute of the Court. It has been granted powers and jurisdiction set forth in a long list of international treaties and other agreements. The Yearbooks of the Court list several hundred international instruments governing the Court's jurisdiction. The Yearbook for 1957-58 says:

In short, the Court's jurisdiction is based, on the one hand, on various treaties and other instruments concluded after the Second World War, and, on the other, on some agreements and instruments concluded before 1945 and still in force to-day. It has already been said that the jurisdiction of the Permanent Court of International Justice was transferred to the present Court by Article 37 of the Statute. To have a complete picture of the Court's jurisdiction, it is necessary, therefore, to consult the twelve Yearbooks published since 1947 and the publications of the Permanent Court.

The International Court of Justice also has a history antedating both the United Nations Charter and the Covenant of the League of Nations.³ The United Nations Charter states⁴ that it "is based upon the Statute of the Permanent Court of International Justice" of 1922. The 1922 Statute in turn was based upon extended efforts dating back to 1899 and 1907.

The history of the work of the United States delegates at The Hague conferences of 1899 and 1907,⁵ in their endeavors to establish a permanent

¹ United Nations Charter, Art. 92.

² Id.

³ See "A Permanent United Nations", Peaslee, Putnams 1942, p. 62-63.

⁴ United Nations Charter, Art. 92.

⁵ See also "Permanent Court of Arbitration".

court of justice through which could be developed a system of international law, and which could decide controversies upon the basis of the issues involved rather than on the basis of diplomatic expediency, is well known. The United States draft plan for a Court of Arbitral Justice presented to the Hague Conference of 1907 contemplated a strictly judicial and permanent court.

In the United States proposals for a League of Nations there was no reference to these prior endeavors to establish a world court. There was no provision for any court whatever. However, the League of Nations Covenant as adopted contained the following provision as Article XIV:

"The Council shall formulate and submit to the members of the League for adoption plans for establishment of a permanent court of international justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly".¹

¹ The editor of the present volumes in a memorandum entitled "Proposed Amendments to the Judiciary Articles of the League of Nations" (for text see "A Permanent United Nations", Peaslee, Putnams, p. 118), which he submitted to the American Delegation at the Versailles Conference to which he was attached, had criticized the American draft upon three grounds (1) that it contained no bill of rights, (2) that it did not dignify the proposed court with constitutional creation and (3) that it lacked compulsory jurisdiction. In a leading article in the New York Times of February 5, 1922 the editor of these volumes proposed a revised judiciary article (text in "A Permanent United Nations", Peaslee, Putnams, p. 66):

"The judicial power of the League of Nations shall be vested in a court of justice to be called the 'World Court' in and such inferior courts as the Council and the Assembly may from time to time establish.

"The world Court shall consist of fifteen justices selected by the Council and the Assembly. They shall hold office during good behavior and shall sit in official session at the seat of the League. Judges exercising the judicial powers of the League shall receive a compensation fixed by the Council and the Assembly and paid as part of the expenses of the League.

"The judicial power of the League of Nations extends to all cases:

"(a) Arising under this constitution or under treaties or other international conventions or agreements;

"(b) Involving conflicting national laws;

"(c) Involving ambassadors, ministers, diplomatic agents or consults;

"(d) Between the nations, or between the League of Nations and one or more nations, or between individuals or corporations of different nations; provided, in the last instance, that the amount involved exceeds a certain sum to be fixed by the body of delegates;

"(e) Involving international transportation on the high seas or in the air.

"The apportionment of original and appellate jurisdiction among the courts provided for by this article shall be determined by the Council and the Assembly.

"The proceedings and records of the courts provided for by this article shall be public, except where such publicity is in the judgment of the court to which the case is presented, prejudicial to peace or order or to the maintenance of public morality.

"The Council may be constituted a court of impeachment for the trial of any member of the Secretariat, or of the Council or of the Assembly or of any officer exercising the judicial power of the League, for dereliction of official duty, upon charges alleged by the Assembly, and the Council as a court of impeachment shall have exclusive jurisdiction over such cases".

Following the entry into force of the Treaty of Versailles and the organization of the Council of the League of Nations, the Council invited a group of eminent statesmen to constitute themselves as an "Advisory Committee of Jurists" to formulate a definite plan for the establishment of a World Court, pursuant to this article of the Covenant.

This Advisory Committee met at The Hague on June 16, 1920, adopted as a working basis the prior efforts for the establishment of a World Court at The Hague Conferences of 1899 and 1907 and produced a "Project for a Permanent Court of International Justice" containing provisions setting forth its plan of organization and its powers.

The Advisory Committee recognized the limitations upon the judiciary system which the Covenant of the League of Nations contained and sought to enlarge the powers of the Court beyond the scope permitted by the Covenant. The Council and the Assembly of the League of Nations, however, made certain amendments to the project as reported by the Advisory Committee restricting the powers of the Court to the scope provided by the Covenant, but they provided that the nations might at their option confer obligatory jurisdiction upon the Court under certain conditions. The project thus modified, was then submitted to the members of the League for ratification.

Necessary ratifications were obtained by September 1, 1921, and that Court, "the Permanent Court of International Justice" held its first session on January 30, 1922. The relations of the United States to that Court were complicated by the fact that the United States did not ratify the Covenant of the League of Nations. The United States did, however, adhere to the 1921 Statute after amendments by a protocol dated September 14, 1929 which came into force on February 1, 1936.

On April 18, 1946, the Assembly of the League of Nations at its final session adopted a resolution dissolving the Permanent Court of International Justice as of April 19, 1946.

The work of drafting the Statute of the present International Court of Justice fell to Committee 1 of Commission IV of the San Francisco Conference. The Committee had as the basis of its discussions the relevant chapter of the Dumbarton Oaks Proposals and the draft Statute prepared by the Committee of Jurists. Continuity in the discussions was preserved since many countries sent to San Francisco the same representatives who had sat on the Committee of Jurists.

The basic question which the Committee had to decide was whether the Permanent Court of International Justice should be continued or whether a new court should be created. The Committee decided in favor of creating a new Court, more particularly because it was proposed that all Members of the United Nations should be *ipso facto* parties to the Statute of the Court, non-members to be admitted on conditions to be laid down in each case by the General Assembly on recommendation of the Se-

curity Council. Only 32 out of 41 parties to the Statute of the Permanent Court were represented at San Francisco, while many of the States represented had not been parties to that Statute.

However, certain specific provisions were made to preserve the continuity with the old Court. For example, where treaties and conventions in force contained provisions for reference to the old Court these were to be taken, between Members of the United Nations, as applying to the new Court. Similarly, acceptances of the compulsory jurisdiction of the old Court would be taken as applying (so far as Members of the United Nations were concerned) to the new Court.

A clause was added to the Charter providing that if one party to a case before the Court failed to give effect to the Court's judgment, the other party might have recourse to the Security Council.

The Conference debated whether the compulsory jurisdiction of the Court in legal disputes should be left to the option of individual States, or should be accepted immediately subject to certain reservations. There was considerable support for recognizing immediately the compulsory jurisdiction of the Court, but that was not adopted. It was recommended that States which were parties to the Statute should, as soon as possible, make declarations recognizing the compulsory jurisdiction of the Court. The expected acceptances of obligatory jurisdiction by separate action of the nations have not materialized as rapidly as was hoped, and where acceptance of obligatory jurisdiction has occurred the acceptance has frequently been accompanied by conditions and exceptions.

The United Nations Charter provides that the International Court of Justice shall be "the principal judicial organ of the United Nations".¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

"The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force".¹

The Charter of the United Nations (q.v.) provides that legal disputes should as a general rule be referred by the parties to the Court,² that the General Assembly and Security Council may request the Court to give an advisory opinion on any legal question as may also other organs of the United Nations and specialized agencies when authorized by the General Assembly.³

¹ Statute, Art. 36, UN Charter, Art. 90.

² UN Charter, Art. 36.

³ *Id.*, Art. 96.

The Court also has jurisdiction specifically granted to it in several hundred international treaties and other documents signed by nations.¹

ORGANS

The Court is composed of fifteen independent judges, no two of whom may be nationals of the same State.² They are elected by the General Assembly and Security Council for a term of nine years and may be re-elected.³

There is provision for the Court to form one or more chambers composed of three or more judges for certain categories of cases and for particular cases.⁴

MEMBERSHIP

The parties to the Statute are as follows (all members of the United Nations): Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cambodia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Mali, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Roumania, Saudi Arabia, Senegal, Somalia, Spain, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, Ukraine, Union of South Africa, USSR, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

The following non-members of the United Nations are parties to the Court:⁵ Lichtenstein, San Marino and Switzerland.

Compulsory jurisdiction of the Court⁶ has been accepted, under unilateral instruments of acceptance, by Australia, Belgium, Cambodia, Canada, China, Colombia, Denmark, Dominican Republic, El Salvador, Finland, France, Haiti, Honduras, Israel, Liberia, Lichtenstein, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Philippines, Portugal, Sudan, Switzerland, Thailand, Union of South Africa, United Arab Republic, United Kingdom, United States and Uruguay.⁷

¹ See Yearbook of the International Court of Justice, 1957-1958, pp. 186-304.

² Statute, Art. 33. ³ Id., Art. 4, 8, 9, 13.

⁴ Id., Art. 26, 29.

⁵ UN Charter, Art. 93.

⁶ Statute, Art. 36.

⁷ Yearbook of the Court 1957-1958, *op. cit.*, pp. 186-304.

MEANS OF FINANCIAL SUPPORT

The expenses of the Court are borne by the United Nations in such a manner as shall be decided by the General Assembly.¹ Contributions are also made by the member nations which are not parties to the United Nations Charter.¹

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The International Court of Justice has jurisdiction specifically conferred upon it under resolutions of the Security Council, the General Assembly, the Economic and Social Council, the Trusteeship Council, interim committees of the General Assembly, and the constitutional documents of the International Labor Organization, the Food and Agriculture Organization, the Civil Aviation Organization, the International Monetary Fund, the International Bank for Reconstruction and Development, the World Health Organization, the Intergovernmental Maritime Consultative Organization, the World Meteorological Organization, the International Finance Corporation, the International Atomic Energy Agency and the International Development Association.

HEADQUARTERS

The headquarters are at the Peace Palace, The Hague.

¹ *Id.*, p. 32.

STATUTE¹

OF THE INTERNATIONAL COURT OF JUSTICE

Art. 1. The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

Chapter I – Organization of the Court

Art. 2. The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

Art. 3. 1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

Art. 4. 1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

Art. 5. 1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

¹ Published by the United Nations.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

Art. 6. Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

Art. 7. 1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

Art. 8. The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

Art. 9. At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

Art. 10. 1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

Art. 11. If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

Art. 12. 1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

Art. 13. 1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

Art. 14. Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

Art. 15. A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Art. 16. 1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

Art. 17. 1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

Art. 18. 1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

Art. 19. The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

Art. 20. Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

Art. 21. 1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

Art. 22. 1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

Art. 23. 1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

Art. 24. 1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

Art. 25. 1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

Art. 26. 1. The Court may from time to time form one or more chambers composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labor cases and cases relating to transit and communications.

2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

Art. 27. A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

Art. 28. The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

Art. 29. With a view to the speedy despatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary pro-

cedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

Art. 30. 1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

Art. 31. 1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

Art. 32. 1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

3. The Vice-President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their traveling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

Art. 33. The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

Chapter II – Competence of the Court

Art. 34. 1. Only states may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

Art. 35. 1. The Court shall be open to the states parties to the present Statute.

2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provisions shall not apply if such state is bearing a share of the expenses of the Court.

Art. 36. 1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Art. 37. Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

Art. 38. 1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

(a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

(b) international custom, as evidence of a general practice accepted as law;

(c) the general principles of law recognized by civilized nations;

(d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

Chapter III – Procedure

Art. 39. 1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

Art. 40. 1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

Art. 41. 1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

Art. 42. 1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

Art. 43. 1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

Art. 44. 1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

Art. 45. The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

Art. 46. The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

Art. 47. 1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.

Art. 48. The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

Art. 49. The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

Art. 50. The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

Art. 51. During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

Art. 52. After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

Art. 53. 1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has

jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

Art. 54. 1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2. The Court shall withdraw to consider the judgment.

3. The deliberations of the Court shall take place in private and remain secret.

Art. 55. 1. All questions shall be decided by a majority of the judges present.

2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

Art. 56. 1. The judgment shall state the reasons on which it is based.

2. It shall contain the names of the judges who have taken part in the decision.

Art. 57. If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Art. 58. The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

Art. 59. The decision of the Court has no binding force except between the parties and in respect of that particular case.

Art. 60. The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

Art. 61. 1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.

Art. 62. 1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

2. It shall be for the Court to decide upon this request.

Art. 63. 1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.

2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

Art. 64. Unless otherwise decided by the Court, each party shall bear its own costs.

Chapter IV – Advisory Opinions

Art. 65. 1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

Art. 66. 1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.

2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

Art. 67. The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

Art. 68. In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

Chapter V – Amendment

Art. 69. Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may

adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

Art. 70. The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

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INTERNATIONAL DEVELOPMENT ASSOCIATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Development Association was established by Articles of Agreement which were opened for signature on February 1, 1960, and entered into force on September 24, 1960, when they had been accepted by governments whose subscriptions comprised not less than 65% of total subscriptions.¹

The Articles of Agreement were drawn up by the Executive Directors of the International Bank for Reconstruction and Development pursuant to a Resolution adopted by the Board of Governors on October 1, 1959. The Association is an entity separate and distinct from the International Bank and its funds are kept separate and apart from the Bank.² It is organized as an affiliate of the Bank.

Members may withdraw by notification with immediate effect, and any member withdrawing from or suspended by the Bank automatically ceases to be a member of the Association.³

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes are to promote economic development, increase production and thus raise standards of living by providing finance on terms more flexible than those of conventional loans and supplementing the activities of the Bank.⁴ The Association provides financing to less developed areas of the world within its membership when financing is not available from private sources or the Bank and upon recommendation, after study, of a competent Committee.⁵

ORGANS

The organs are:

(1) A Board of Governors composed of each Governor and Alternate

¹ Articles of Agreement, Art. 11.

² Id., Art. 6.

³ Id., Art. 7.

⁴ Id., Art. 1.

⁵ Id., Art. 5.

Governor of the Bank appointed by each member of the Association, meeting annually.¹ There is a system of weighted voting.²

(2) Executive Directors composed of each Executive Director of the Bank appointed by a member or elected.³

(3) The President of the Bank is *ex officio* President of the Association and, to the extent practicable, officers and staff of the Bank are to serve concurrently as officers and staff of the Association.⁴

MEMBERSHIP

The members are Australia, Canada, Chile, China, Denmark, Finland, France, Germany, Ghana, Honduras, India, Iran, Iraq, Italy, Japan, Jordan, Malaya, Morocco, Nicaragua, Norway, Pakistan, Philippines, Saudi Arabia, Sudan, Sweden, Spain, Thailand, Tunisia, Union of South Africa, United Arab Republic, United Kingdom, United States, Vietnam, Yugoslavia.

MEANS OF FINANCIAL SUPPORT

The Association has initial subscriptions totalling one thousand million United States dollars and ranging for individual members from 320.29 millions to .01 millions.⁵ There is provision for periodic reviews of the resources of the Association and additional subscriptions.⁶

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It is an affiliate of the Bank, is required to enter into formal arrangements with the United Nations and may enter into arrangements with other intergovernmental organizations.⁷

HEADQUARTERS

The headquarters are at 1818 H Street, Washington, the headquarters of the Bank.

¹ Id., Art. 6(2).

² Id., Art. 6(3).

³ Id., Art. 6(4).

⁴ Id., Art. 6(5).

⁵ Id., Art. 2 and Schedule A.

⁶ Id., Art. 3.

⁷ Id., Art. 6(7).

ARTICLES OF AGREEMENT of the INTERNATIONAL DEVELOPMENT ASSOCIATION¹

February 1, 1960

The Governments on whose behalf this Agreement is signed,

Considering:

That mutual co-operation for constructive economic purposes, healthy development of the world economy and balanced growth of international trade foster international relationships conducive to the maintenance of peace and world prosperity:

That an acceleration of economic development which will promote higher standards of living and economic and social progress in the less-developed countries is desirable not only in the interests of those countries but also in the interests of the international community as a whole;

That achievement of these objectives would be facilitated by an increase in the international flow of capital, public and private, to assist in the development of the resources of the less-developed countries,
do hereby agree as follows:

Introductory Article

The International Development Association (hereinafter called "the Association") is established and shall operate in accordance with the following provisions:

Purposes

Art. 1. The purposes of the Association are to promote economic development, increase productivity and thus raise standards of living in the less-developed areas of the world included within the Association's membership, in particular by providing finance to meet their important developmental requirements on terms which are more flexible and bear less heavily on the balance of payments than those of conventional loans, thereby furthering the developmental objectives of the International Bank for Reconstruction and Development (hereinafter called "the Bank") and supplementing its activities.

The Association shall be guided in all its decisions by the provisions of this Article.

¹ Published January 26, 1960 by the International Bank for Reconstruction and Development.

*Membership; Initial Subscriptions**Art. 2. Section 1. Membership*

(a) The original members of the Association shall be those members of the Bank listed in Schedule A hereto which, on or before the date specified in Article 11, Section 2 (c), accept membership in the Association.

(b) Membership shall be open to other members of the Bank at such times and in accordance with such terms as the Association may determine.

Section 2. Initial Subscriptions

(a) Upon accepting membership, each member shall subscribe funds in the amount assigned to it. Such subscriptions are herein referred to as initial subscriptions.

(b) The initial subscription assigned to each original member shall be in the amount set forth opposite its name in Schedule A, expressed in terms of United States dollars of the weight and fineness in effect on January 1, 1960.

(c) Ten percent of the initial subscription of each original member shall be payable in gold or freely convertible currency as follows: fifty percent within thirty days after the date on which the Association shall begin operations pursuant to Article 11, Section 4, or on the date on which the original member becomes a member, whichever shall be later; twelve and one-half percent one year after the beginning of operations of the Association; and twelve and one-half percent each year thereafter at annual intervals until the ten percent portion of the initial subscription shall have been paid in full.

(d) The remaining ninety percent of the initial subscription of each original member shall be payable in gold or freely convertible currency in the case of members listed in Part I of Schedule A, and in the currency of the subscribing member in the case of members listed in Part II of Schedule A. This ninety percent portion of initial subscriptions of original members shall be payable in five equal annual instalments as follows: the first such instalment within thirty days after the date on which the Association shall begin operations pursuant to Article 11, Section 4, or on the date on which the original member becomes a member, whichever shall be later; the second instalment one year after the beginning of operations of the Association, and succeeding instalments each year thereafter at annual intervals until the ninety percent portion of the initial subscription shall have been paid in full.

(e) The Association shall accept from any member, in place of any part of the member's currency paid in or payable by the member under the preceding subsection (d) or under Section 2 of Article 4 and not needed by the Association in its operations, notes or similar obligations issued by the government of the member or the depository designated by such member, which shall be non-negotiable, non-interest-bearing and payable at their par value on demand to the account of the Association in the designated depository.

(*Art. 2, contin.*)

(f) For the purposes of this Agreement the Association shall regard as “freely convertible currency”:

(i) currency of a member which the Association determines, after consultation with the International Monetary Fund, is adequately convertible into the currencies of other members for the purposes of the Association's operations; or

(ii) currency of a member which such member agrees, on terms satisfactory to the Association, to exchange for the currencies of other members for the purposes of the Association's operations.

(g) Except as the Association may otherwise agree, each member listed in Part I of Schedule A shall maintain, in respect of its currency paid in by it as freely convertible currency pursuant to sub-section (d) of this Section, the same convertibility as existed at the time of payment.

(h) The conditions on which the initial subscriptions of members other than original members may be made, and the amounts and the terms of payment thereof, shall be determined by the Association pursuant to Section 1(b) of this Article.

Section 3. Limitation on Liability

No member shall be liable, by reason of its membership, for obligations of the Association.

Additions to Resources

Art. 3. Section 1. Additional Subscriptions

(a) The Association shall at such time as it deems appropriate in the light of the schedule for completion of payments on initial subscriptions of original members, and at intervals of approximately five years thereafter, review the adequacy of its resources and, if it deems desirable, shall authorize a general increase in subscriptions. Notwithstanding the foregoing, general or individual increases in subscriptions may be authorized at any time, provided that an individual increase shall be considered only at the request of the member involved. Subscriptions pursuant to this Section are herein referred to as additional subscriptions.

(b) Subject to the provisions of paragraph (c) below, when additional subscriptions are authorized, the amounts authorized for subscription and the terms and conditions relating thereto shall be as determined by the Association.

(c) When any additional subscription is authorized, each member shall be given an opportunity to subscribe, under such conditions as shall be reasonably determined by the Association, an amount which will enable it to maintain its relative voting power, but no member shall be obligated to subscribe.

(d) All decisions under this Section shall be made by a two-thirds majority of the total voting power.

Section 2. Supplementary Resources Provided by a Member in the Currency of Another Member

(a) The Association may enter into arrangements, on such terms and

(*Art. 3, contin.*)

conditions consistent with the provisions of this Agreement as may be agreed upon, to receive from any member, in addition to the amounts payable by such member on account of its initial or any additional subscription, supplementary resources in the currency of another member, provided that the Association shall not enter into any such arrangement unless the Association is satisfied that the member whose currency is involved agrees to the use of such currency as supplementary resources and to the terms and conditions governing such use. The arrangements under which any such resources are received may include provisions regarding the disposition of earnings on the resources and regarding the disposition of the resources in the event that the member providing them ceases to be a member or the Association permanently suspends its operations.

(b) The Association shall deliver to the contributing member a Special Development Certificate setting forth the amount and currency of the resources so contributed and the terms and conditions of the arrangement relating to such resources. A Special Development Certificate shall not carry any voting rights and shall be transferable only to the Association.

(c) Nothing in this Section shall preclude the Association from accepting resources from a member in its own currency on such terms as may be agreed upon.

Currencies

Art. 4. Section 1. Use of Currencies

(a) Currency of any member listed in Part II of Schedule A, whether or not freely convertible, received by the Association pursuant to Article 2, Section 2(d), in payment of the ninety percent portion payable thereunder in the currency of such member, and currency of such member derived therefrom as principal, interest or other charges, may be used by the Association for administrative expenses incurred by the Association in the territories of such member and, insofar as consistent with sound monetary policies, in payment for goods and services produced in the territories of such member and required for projects financed by the Association and located in such territories; and in addition when and to the extent justified by the economic and financial situation of the member concerned as determined by agreement between the member and the Association, such currency shall be freely convertible or otherwise usable for projects financed by the Association and located outside the territories of the member.

(b) The usability of currencies received by the Association in payment of subscriptions other than initial subscriptions of original members, and currencies derived therefrom as principal, interest or other charges, shall be governed by the terms and conditions on which such subscriptions are authorized.

(c) The usability of currencies received by the Association as supplementary resources other than subscriptions, and currencies derived therefrom as principal, interest or other charges, shall be governed by the terms of the arrangements pursuant to which such currencies are received.

(Art. 4, *contin.*)

(d) All other currencies received by the Association may be freely used and exchanged by the Association and shall not be subject to any restriction by the member whose currency is used or exchanged; provided that the foregoing shall not preclude the Association from entering into any arrangements with the member in whose territories any project financed by the Association is located restricting the use by the Association of such member's currency received as principal, interest or other charges in connection with such financing.

(e) The Association shall take appropriate steps to ensure that, over reasonable intervals of time, the portions of the subscriptions paid under Article 2, Section 2(d) by members listed in Part I of Schedule A shall be used by the Association on an approximately *pro rata* basis, provided, however, that such portions of such subscriptions as are paid in gold or in a currency other than that of the subscribing member may be used more rapidly.

Section 2. Maintenance of Value of Currency Holdings

(a) Whenever the par value of a member's currency is reduced or the foreign exchange value of a member's currency has, in the opinion of the Association, depreciated to a significant extent within that member's territories, the member shall pay to the Association within a reasonable time an additional amount of its own currency sufficient to maintain the value, as of the time of subscription, of the amount of the currency of such member paid in to the Association by the member under Article 2, Section 2(d), and currency furnished under the provisions of the present paragraph, whether or not such currency is held in the form of notes accepted pursuant to Article 2, Section 2(e), provided, however, that the foregoing shall apply only so long as and to the extent that such currency shall not have been initially disbursed or exchanged for the currency of another member.

(b) Whenever the par value of a member's currency is increased, or the foreign exchange value of a member's currency has, in the opinion of the Association, appreciated to a significant extent within that member's territories, the Association shall return to such member within a reasonable time an amount of that member's currency equal to the increase in the value of the amount of such currency to which the provisions of paragraph (a) of this Section are applicable.

(c) The provisions of the preceding paragraphs may be waived by the Association when a uniform proportionate change in the par value of the currencies of all its members is made by the International Monetary Fund.

(d) Amounts furnished under the provisions of paragraph (a) of this Section to maintain the value of any currency shall be convertible and usable to the same extent as such currency.

Operations

Art. 5. Section 1. Use of Resources and Conditions of Financing

(a) The Association shall provide financing to further development in the less-developed areas of the world included within the Association's membership.

(b) Financing provided by the Association shall be for purposes which in the opinion of the Association are of high developmental priority in the light of the needs of the area or areas concerned and, except in special circumstances, shall be for specific projects.

(c) The Association shall not provide financing if in its opinion such financing is available from private sources on terms which are reasonable for the recipient or could be provided by a loan of the type made by the Bank.

(d) The Association shall not provide financing except upon the recommendation of a competent committee, made after a careful study of the merits of the proposal. Each such committee shall be appointed by the Association and shall include a nominee of the Governor or Governors representing the member or members in whose territories the project under consideration is located and one or more members of the technical staff of the Association. The requirement that the committee include the nominee of a Governor or Governors shall not apply in the case of financing provided to a public international or regional organization.

(e) The Association shall not provide financing for any project if the member in whose territories the project is located objects to such financing, except that it shall not be necessary for the Association to assure itself that individual members do not object in the case of financing provided to a public international or regional organization.

(f) The Association shall impose no conditions that the proceeds of its financing shall be spent in the territories of any particular member or members. The foregoing shall not preclude the Association from complying with any restrictions on the use of funds imposed in accordance with the provisions of these Articles, including restrictions attached to supplementary resources pursuant to agreement between the Association and the contributor.

(g) The Association shall make arrangements to ensure that the proceeds of any financing are used only for the purposes for which the financing was provided, with due attention to considerations of economy, efficiency and competitive international trade and without regard to political or other non-economic influences or considerations.

(h) Funds to be provided under any financing operation shall be made available to the recipient only to meet expenses in connection with the project as they are actually incurred.

Section 2. Form and Terms of Financing

(a) Financing by the Association shall take the form of loans. The Association may, however, provide other financing, either

(Art. 5, contin.)

(i) out of funds subscribed pursuant to Article 3, Section 1, and funds derived therefrom as principal, interest or other charges, if the authorization for such subscriptions expressly provides for such financing;

or

(ii) in special circumstances, out of supplementary resources furnished to the Association, and funds derived therefrom as principal, interest or other charges, if the arrangements under which such resources are furnished expressly authorize such financing.

(b) Subject to the foregoing paragraph, the Association may provide financing in such forms and on such terms as it may deem appropriate, having regard to the economic position and prospects of the area or areas concerned and to the nature and requirements of the project.

(c) The Association may provide financing to a member, the government of a territory included within the Association's membership, a political subdivision of any of the foregoing, a public or private entity in the territories of a member or members, or to a public international or regional organization.

(d) In the case of a loan to an entity other than a member, the Association may, in its discretion, require a suitable governmental or other guarantee or guarantees.

(e) The Association, in special cases, may make foreign exchange available for local expenditures.

Section 3. Modifications of Terms of Financing

The Association may, when and to the extent it deems appropriate in the light of all relevant circumstances, including the financial and economic situation and prospects of the member concerned, and on such conditions as it may determine, agree to a relaxation or other modification of the terms on which any of its financing shall have been provided.

Section 4. Co-operation with Other International Organizations and Members Providing Development Assistance

The Association shall co-operate with those public international organizations and members which provide financial and technical assistance to the less-developed areas of the world.

Section 5. Miscellaneous Operations

In addition to the operations specified elsewhere in this Agreement, the Association may:

(i) borrow funds with the approval of the member in whose currency the loan is denominated;

(ii) guarantee securities in which it has invested in order to facilitate their sale;

(iii) buy and sell securities it has issued or guaranteed or in which it has invested,

(iv) in special cases, guarantee loans from other sources for purposes not inconsistent with the provisions of these Articles;

(v) provide technical assistance and advisory services at the request of a member; and

(vi) exercise such other powers incidental to its operations as shall be necessary or desirable in furtherance of its purposes.

(Art. 5, *contin.*)

Section 6. Political Activity Prohibited

The Association and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purposes stated in this Agreement.

Organization and Management

Art. 6. Section 1. Structure of the Association

The Association shall have a Board of Governors, Executive Directors, a President and such other officers and staff to perform such duties as the Association may determine.

Section 2. Board of Governors

(a) All the powers of the Association shall be vested in the Board of Governors.

(b) Each Governor and Alternate Governor of the Bank appointed by a member of the Bank which is also a member of the Association shall *ex officio* be a Governor and Alternate Governor, respectively, of the Association. No Alternate Governor may vote except in the absence of his principal. The Chairman of the Board of Governors of the Bank shall *ex officio* be Chairman of the Board of Governors of the Association except that if the Chairman of the Board of Governors of the Bank shall represent a state which is not a member of the Association, then the Board of Governors shall select one of the Governors as Chairman of the Board of Governors. Any Governor or Alternate Governor shall cease to hold office if the member by which he was appointed shall cease to be a member of the Association.

(c) The Board of Governors may delegate to the Executive Directors authority to exercise any of its powers, except the power to:

(i) admit new members and determine the conditions of their admission;

(ii) authorize additional subscriptions and determine the terms and conditions relating thereto;

(iii) suspend a member;

(iv) decide appeals from interpretations of this Agreement given by the Executive Directors;

(v) make arrangements pursuant to Section 7 of this Article to co-operate with other international organizations (other than informal arrangements of a temporary and administrative character);

(vi) decide to suspend permanently the operations of the Association and to distribute its assets;

(vii) determine the distribution of the Association's net income pursuant to Section 12 of this Article; and

(viii) approve proposed amendments to this Agreement.

(d) The Board of Governors shall hold an annual meeting and such other meetings as may be provided for by the Board of Governors or called by the Executive Directors.

(Art. 6, *contin.*)

(e) The annual meeting of the Board of Governors shall be held in conjunction with the annual meeting of the Board of Governors of the Bank.

(f) A quorum for any meeting of the Board of Governors shall be a majority of the Governors, exercising not less than two-thirds of the total voting power.

(g) The Association may by regulation establish a procedure whereby the Executive Directors may obtain a vote of the Governors on a specific question without calling a meeting of the Board of Governors.

(h) The Board of Governors, and the Executive Directors to the extent authorized, may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Association.

(i) Governors and Alternate Governors shall serve as such without compensation from the Association.

Section 3. *Voting*

(a) Each original member shall, in respect of its initial subscription, have 500 votes plus one additional vote for each £5,000 of its initial subscription. Subscriptions other than initial subscriptions of original members shall carry such voting rights as the Board of Governors shall determine pursuant to the provisions of Article 2, Section 1(b) or Article 3, Section 1(b) and (c), as the case may be. Additions to resources other than subscriptions under Article 2, Section 1(b) and additional subscriptions under Article 3, Section 1, shall not carry voting rights.

(b) Except as otherwise specifically provided, all matters before the Association shall be decided by a majority of the votes cast.

Section 4. *Executive Directors*

(a) The Executive Directors shall be responsible for the conduct of the general operations of the Association, and for this purpose shall exercise all the powers given to them by this Agreement or delegated to them by the Board of Governors.

(b) The Executive Directors of the Association shall be composed *ex officio* of each Executive Director of the Bank who shall have been (i) appointed by a member of the Bank which is also a member of the Association, or (ii) elected in an election in which the votes of at least one member of the Bank which is also a member of the Association shall have counted toward his election. The Alternate to each such Executive Director of the Bank shall *ex officio* be an Alternate Director of the Association. Any Director shall cease to hold office if the member by which he was appointed, or if all the members whose votes counted toward his election, shall cease to be members of the Association.

(c) Each Director who is an appointed Executive Director of the Bank shall be entitled to cast the number of votes which the member by which he was appointed is entitled to cast in the Association. Each Director who is an elected Executive Director of the Bank shall be entitled to cast the number of votes which the member or members of the Association whose

(Art. 6, contin.)

votes counted toward his election in the Bank are entitled to cast in the Association. All the votes which a Director is entitled to cast shall be cast as a unit.

(d) An Alternate Director shall have full power to act in the absence of the Director who shall have appointed him. When a Director is present, his Alternate may participate in meetings but shall not vote.

(e) A quorum for any meeting of the Executive Directors shall be a majority of the Directors exercising not less than one-half of the total voting power.

(f) The Executive Directors shall meet as often as the business of the Association may require.

(g) The Board of Governors shall adopt regulations under which a member of the Association not entitled to appoint an Executive Director of the Bank may send a representative to attend any meeting of the Executive Directors of the Association when a request made by, or a matter particularly affecting, that member is under consideration.

Section 5. President and Staff

(a) The President of the Bank shall be *ex officio* President of the Association. The President shall be Chairman of the Executive Directors of the Association but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Board of Governors but shall not vote at such meetings.

(b) The President shall be chief of the operating staff of the Association. Under the direction of the Executive Directors he shall conduct the ordinary business of the Association and under their general control shall be responsible for the organization, appointment and dismissal of the officers and staff. To the extent practicable, officers and staff of the Bank shall be appointed to serve concurrently as officers and staff of the Association.

(c) The President, officers and staff of the Association, in the discharge of their offices, owe their duty entirely to the Association and to no other authority. Each member of the Association shall respect the international character of this duty and shall refrain from all attempts to influence any of them in the discharge of their duties.

(d) In appointing officers and staff the President shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of recruiting personnel on as wide a geographical basis as possible.

Section 6. Relationship to the Bank

(a) The Association shall be an entity separate and distinct from the Bank and the funds of the Association shall be kept separate and apart from those of the Bank. The Association shall not borrow from or lend to the Bank, except that this shall not preclude the Association from investing funds not needed in its financing operations in obligations of the Bank.

(Art. 6, *contin.*)

(b) The Association may make arrangements with the Bank regarding facilities, personnel and services and arrangements for reimbursement of administrative expenses paid in the first instance by either organization on behalf of the other.

(c) Nothing in this Agreement shall make the Association liable for the acts or obligations of the Bank, or the Bank liable for the acts or obligations of the Association.

Section 7. Relations with Other International Organizations

The Association shall enter into formal arrangements with the United Nations and may enter into such arrangements with other public international organizations having specialized responsibilities in related fields.

Section 8. Location of Offices

The principal office of the Association shall be the principal office of the Bank. The Association may establish other offices in the territories of any member.

Section 9. Depositories

Each member shall designate its central bank as a depository in which the Association may keep holdings of such member's currency or other assets of the Association, or, if it has no central bank, it shall designate for such purpose such other institution as may be acceptable to the Association. In the absence of any different designation, the depository designated for the Bank shall be the depository for the Association.

Section 10. Channel of Communication

Each member shall designate an appropriate authority with which the Association may communicate in connection with any matter arising under this Agreement. In the absence of any different designation, the channel of communication designated for the Bank shall be the channel for the Association.

Section 11. Publication of Reports and Provision of Information

(a) The Association shall publish an annual report containing an audited statement of its accounts and shall circulate to members at appropriate intervals a summary statement of its financial position and of the results of its operations.

(b) The Association may publish such other reports as it deems desirable to carry out its purposes.

(c) Copies of all reports, statements and publications made under this Section shall be distributed to members.

Section 12. Disposition of Net Income

The Board of Governors shall determine from time to time the disposition of the Association's net income, having due regard to provision for reserves and contingencies.

*Withdrawal; Suspension of Membership;
Suspension of Operations*

Art. 7. Section 1. Withdrawal by Members

Any member may withdraw from membership in the Association at any time by transmitting a notice in writing to the Association at its principal office. Withdrawal shall become effective upon the date such notice is received.

Section 2. Suspension of Membership

(a) If a member fails to fulfill any of its obligations to the Association, the Association may suspend its membership by decision of a majority of the Governors, exercising a majority of the total voting power. The member so suspended shall automatically cease to be a member one year from the date of its suspension unless a decision is taken by the same majority to restore the member to good standing.

(b) While under suspension, a member shall not be entitled to exercise any rights under this Agreement except the right of withdrawal, but shall remain subject to all obligations.

Section 3. Suspension or Cessation of Membership in the Bank

Any member which is suspended from membership in, or ceases to be a member of, the Bank shall automatically be suspended from membership in, or cease to be a member of, the Association, as the case may be.

Section 4. Rights and Duties of Governments Ceasing to be Members

(a) When a government ceases to be a member, it shall have no rights under this Agreement except as provided in this Section and in Article 10 (c), but it shall, except as in this Section otherwise provided, remain liable for all financial obligations undertaken by it to the Association, whether as a member, borrower, guarantor or otherwise.

(b) When a government ceases to be a member, the Association and the government shall proceed to a settlement of accounts. As part of such settlement of accounts, the Association and the government may agree on the amounts to be paid to the government on account of its subscription and on the time and currencies of payment. The term "subscription" when used in relation to any member government shall for the purposes of this Article be deemed to include both the initial subscription and any additional subscription of such member government.

(c) If no such agreement is reached within six months from the date when the government ceased to be a member, or such other time as may be agreed upon by the Association and the government, the following provisions shall apply:

(i) The government shall be relieved of any further liability to the Association on account of its subscription, except that the government shall pay to the Association forthwith amounts due and unpaid on the date when the government ceased to be a member and which in the opinion of the Association are needed by it meet its commitments as of that date under its financing operations.

(ii) The Association shall return to the government funds paid in by the

(Art. 7, *contin.*)

government on account of its subscription or derived therefrom as principal repayments and held by the Association on the date when the government ceased to be a member, except to the extent that in the opinion of the Association such funds will be needed by it to meet its commitments as of that date under its financing operations.

(iii) The Association shall pay over to the government a *pro rata* share of all principal repayments received by the Association after the date on which the government ceases to be a member on loans contracted prior thereto, except those made out of supplementary resources provided to the Association under arrangements specifying special liquidation rights. Such share shall be such proportion of the total principal amount of such loans as the total amount paid by the government on account of its subscription and not returned to it pursuant to clause (ii) above shall bear to the total amount paid by all members on account of their subscriptions which shall have been used or in the opinion of the Association will be needed by it to meet its commitments under its financing operations as of the date on which the government ceases to be a member. Such payment by the Association shall be made in instalments when and as such principal repayments are received by the Association, but not more frequently than annually. Such instalments shall be paid in the currencies received by the Association except that the Association may in its discretion make payment in the currency of the government concerned.

(iv) Any amount due to the government on account of its subscription may be withheld so long as that government, or the government of any territory included within its membership, or any political subdivision or any agency of any of the foregoing remains liable, as borrower or guarantor, to the Association, and such amount may, at the option of the Association, be applied against any such liability as it matures.

(v) In no event shall the government receive under this paragraph (c) an amount exceeding, in the aggregate, the lesser of the two following: (a) the amount paid by the government on account of its subscription, or (b) such proportion of the net assets of the Association, as shown on the books of the Association as of the date on which the government ceased to be a member, as the amount of its subscription shall bear to the aggregate amount of the subscriptions of all members.

(vi) All calculations required hereunder shall be made on such basis as shall be reasonably determined by the Association.

(d) In no event shall any amount due to a government under this Section be paid until six months after the date upon which the government ceases to be a member. If within six months of the date upon which any government ceases to be a member the Association suspends operations under Section 5 of this Article, all rights of such government shall be determined by the provisions of such Section 5 and such government shall be considered a member of the Association for purposes of such Section 5, except that it shall have no voting rights.

Section 5. Suspension of Operations and Settlement of Obligations

(a) The Association may permanently suspend its operations by vote of a majority of the Governors exercising a majority of the total voting power. After such suspension of operations the Association shall forthwith cease all activities, except those incident to the orderly realization, conservation and preservation of its assets and settlement of its obligations. Until final settlement of such obligations and distribution of such assets, the Association shall remain in existence and all mutual rights

(Art. 7, *contin.*)

and obligations of the Association and its members under this Agreement shall continue unimpaired, except that no member shall be suspended or shall withdraw and that no distribution shall be made to members except as in this Section provided.

(b) No distribution shall be made to members on account of their subscriptions until all liabilities to creditors shall have been discharged or provided for and until the Board of Governors, by vote of a majority of the Governors exercising a majority of the total voting power, shall have decided to make such distribution.

(c) Subject to the foregoing, and to any special arrangements for the disposition of supplementary resources agreed upon in connection with the provision of such resources to the Association, the Association shall distribute its assets to members *pro rata* in proportion to amounts paid in by them on account of their subscriptions. Any distribution pursuant to the foregoing provision of this paragraph (c) shall be subject, in the case of any member, to prior settlement of all outstanding claims by the Association against such member. Such distribution shall be made at such times, in such currencies, and in cash or other assets as the Association shall deem fair and equitable. Distribution to the several members need not be uniform in respect of the type of assets distributed or of the currencies in which they are expressed.

(d) Any member receiving assets distributed by the Association pursuant to this Section or Section 4 shall enjoy the same rights with respect to such assets as the Association enjoyed prior to their distribution.

Status, Immunities and Privileges

Art. 8. Section 1. Purposes of Article

To enable the Association to fulfill the functions with which it is entrusted, the status, immunities and privileges provided in this Article shall be accorded to the Association in the territories of each member.

Section 2. Status of the Association

The Association shall possess full juridical personality and, in particular, the capacity:

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

Section 3. Position of the Association with Regard to Judicial Process

Actions may be brought against the Association only in a court of competent jurisdiction in the territories of a member in which the Association has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Association shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Association.

(Art. 8, *contin.*)

Section 4. Immunity of Assets from Seizure

Property and assets of the Association, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of Archives

The archives of the Association shall be inviolable.

Section 6. Freedom of Assets from Restrictions

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Association shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. Privilege for Communications

The official communications of the Association shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. Immunities and Privileges of Officers and Employees

All Governors, Executive Directors, Alternates, officers and employees of the Association

(i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Association waives this immunity;

(ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;

(iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. Immunities from Taxation

(a) The Association, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Association shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Association to Executive Directors, Alternates, officials or employees of the Association who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Association (including any dividend or interest thereon) by whomsoever held

(i) which discriminates against such obligation or security solely because it is issued by the Association; or

(Art. 8, contin.)

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Association.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Association (including any dividend or interest thereon) by whomsoever held

(i) which discriminates against such obligation or security solely because it is guaranteed by the Association; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Association.

Section 10. Application of Article

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Association of the detailed action which it has taken.

Amendments

Art. 9. (a) Any proposal to introduce modifications in this Agreement, whether emanating from a member, a Governor or the Executive Directors, shall be communicated to the Chairman of the Board of Governors who shall bring the proposal before the Board. If the proposed amendment is approved by the Board, the Association shall, by circular letter or telegram, ask all members whether they accept the proposed amendment. When three-fifths of the members, having four-fifths of the total voting power, have accepted the proposed amendments, the Association shall certify the fact by formal communication addressed to all members.

(b) Notwithstanding (a) above, acceptance by all members is required in the case of any amendment modifying

(i) the right to withdraw from the Association provided in Article 7, Section 1;

(ii) the right secured by Article 3, Section 1 (c);

(iii) the limitation on liability provided in Article 2, Section 3.

(c) Amendments shall enter into force for all members three months after the date of the formal communication unless a shorter period is specified in the circular letter or telegram.

Interpretation and Arbitration

Art. 10. (a) Any question of interpretation of the provisions of this Agreement arising between any member and the Association or between any members of the Association shall be submitted to the Executive Directors for their decision. If the question particularly affects any member of the Association not entitled to appoint an Executive Director of the Bank, it shall be entitled to representation in accordance with Article 6, Section 4 (g).

(b) In any case where the Executive Directors have given a decision under (a) above, any member may require that the question be referred to

(Art. 10, *contin.*)

the Board of Governors, whose decision shall be final. Pending the result of the reference to the Board of Governors, the Association may, so far as it deems necessary, act on the basis of the decision of the Executive Directors.

(c) Whenever a disagreement arises between the Association and a country which has ceased to be a member, or between the Association and any member during the permanent suspension of the Association, such disagreement shall be submitted to arbitration by a tribunal of three arbitrators, one appointed by the Association, another by the country involved and an umpire who, unless the parties otherwise agree, shall be appointed by the President of the International Court of Justice or such other authority as may have been prescribed by regulation adopted by the Association. The umpire shall have full power to settle all questions of procedure in any case where the parties are in disagreement with respect thereto.

Final Provisions

Art. 11. Section 1. Entry into Force

This Agreement shall enter into force when it has been signed on behalf of governments whose subscriptions comprise not less than sixty-five percent of the total subscriptions set forth in Schedule A and when the instruments referred to in Section 2 (a) of this Article have been deposited on their behalf, but in no event shall this Agreement enter into force before September 15, 1960.

Section 2. Signature

(a) Each government on whose behalf this Agreement is signed shall deposit with the Bank an instrument setting forth that it has accepted this Agreement in accordance with its law and has taken all steps necessary to enable it to carry out all of its obligations under this Agreement.

(b) Each government shall become a member of the Association as from the date of the deposit on its behalf of the instrument referred to in paragraph (a) above except that no government shall become a member before this Agreement enters into force under Section 1 of this Article.

(c) This Agreement shall remain open for signature until the close of business on December 31, 1960, at the principal office of the Bank, on behalf of the states whose names are set forth in Schedule A, provided that, if this Agreement shall not have entered into force by that date, the Executive Directors of the Bank may extend the period during which this Agreement shall remain open for signature by not more than six months.

(d) After this Agreement shall have entered into force, it shall be open for signature on behalf of the government of any state whose membership shall have been approved pursuant to Article 2, Section 1 (b).

Section 3. Territorial Application

By its signature of this Agreement, each government accepts it both on its own behalf and in respect of all territories for whose international

(*Art. 11, contin.*)

relations such government is responsible except those which are excluded by such government by written notice to the Association.

Section 4. Inauguration of the Association

(a) As soon as this Agreement enters into force under Section 1 of this Article the President shall call a meeting of the Executive Directors.

(b) The Association shall begin operations on the date when such meeting is held.

(c) Pending the first meeting of the Board of Governors, the Executive Directors may exercise all the powers of the Board of Governors except those reserved to the Board of Governors under this Agreement.

Section 5. Registration

The Bank is authorized to register this Agreement with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations and the Regulations thereunder adopted by the General Assembly.

Done at Washington, in a single copy which shall remain deposited in the archives of the International Bank for Reconstruction and Development, which has indicated by its signature below its agreement to act as depository of this Agreement, to register this Agreement with the Secretariat of the United Nations and to notify all governments whose names are set forth in Schedule A of the date when this Agreement shall have entered into force under Article 11, Section 1 hereof.

SCHEDULE A — INITIAL SUBSCRIPTIONS

(US \$ Millions) ¹*Part I*

Australia	20.18	Japan	33.59
Austria	5.04	Luxembourg	1.01
Belgium	22.70	Netherlands	27.74
Canada	37.83	Norway	6.72
Denmark	8.74	Sweden	10.09
Finland	3.83	Union of South Africa	10.09
France	52.96	United Kingdom	131.14
Germany	52.96	United States	320.29
Italy	18.16		<hr/> 763.07

Part II

Afghanistan	1.01	Israel	1.68
Argentina	18.83	Jordan	0.80
Bolivia	1.06	Korea	1.26
Brazil	18.83	Lebanon	0.45
Burma	2.02	Libya	1.01
Ceylon	3.03	Malaya	2.52
Chile	3.53	Mexico	8.74
China	30.26	Morocco	3.53
Colombia	3.53	Nicaragua	0.80
Costa Rica	0.20	Pakistan	10.09
Cuba	4.71	Panama	0.02
Dominican Republic	0.40	Paraguay	0.30
Ecuador	0.65	Peru	1.77
El Salvador	0.30	Philippines	5.04
Ethiopia	0.50	Saudi Arabia	3.70
Ghana	2.36	Spain	10.09
Greece	2.52	Sudan	1.01
Guatemala	0.40	Thailand	3.03
Haiti	0.76	Tunisia	1.51
Honduras	0.30	Turkey	5.80
Iceland	0.10	United Arab Republic	6.03
India	40.35	Uruguay	1.06
Indonesia	11.10	Venezuela	7.06
Iran	4.54	Vietnam	1.51
Iraq	0.76	Yugoslavia	4.04
Ireland	3.03		<hr/> 236.93

TOTAL

1000.00

¹ In terms of United States dollars of the weight and fineness in effect on January 1, 1960.

INTERNATIONAL EXHIBITIONS BUREAU

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The present Convention regarding this organization was signed on November 22, 1928. It provided for the regulating of the organization of international exhibitions and established an International Bureau to supervise its application.

A Convention to regulate the organization of international exhibitions, the number of which had been steadily increasing since 1851, was drawn up and signed in Berlin in 1914, but the First World War came before it was ratified. In 1928 the French Government called a Conference for the purpose of drawing up another Convention. The Convention was amended by a Protocol signed on May 10, 1948.

The present Convention may be denounced five years after its entry into force by any country by written notice to the French Government, such denunciation to take effect one year after receipt of the notice.¹

Between 1931 and 1946 the Bureau was under the authority of the League of Nations in accordance with Article 24 of the Covenant of the League.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The function of the Bureau is to supervise the application of the Convention.² It establishes the guarantees and facilities which the organizing country is required to offer to exhibitors.³ No member country may organize nor take part in an international exhibition until that proposed exhibition has been registered with the Bureau.⁴ Excluded from the provisions of the Convention are exhibitions lasting less than three weeks, and exhibitions of the arts or exhibitions organized by a single country in another country at the invitation of the latter.⁵

¹ Convention, Art. 37.

⁴ Id., Art. 8.

² Id., Art. 10.

⁵ Id., Art. 1.

³ Id., Arts. 15-32.

ORGANS

The organs are:

- (1) An Administrative Council composed of one to three delegates for each contracting country, each country having one vote;¹
- (2) A Commission on Classification, composed of the representatives of twelve contracting countries;² and,
- (3) A Director.³

MEMBERSHIP

The members are Albania, Austria, Belgium, Brazil, Canada, Colombia, Cuba, Denmark, Dominican Republic, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Israel, Italy, Japan, Morocco, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Roumania, Sweden, Switzerland, Tunisia, the U.S.S.R. and the United Kingdom.

MEANS OF FINANCIAL SUPPORT

The expenses of the organization are specified to be borne by the contracting countries on a scale commensurate with "their quota for the League of Nations", no country to contribute more than £ 500 sterling.⁴

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The United Nations Economic and Social Council has under consideration co-operation with this Bureau.⁵

HEADQUARTERS

Its headquarters are at 60, Avenue de la Bourdonnais, Paris.

¹ Id., Arts. 11, 12.

² Id., Art. 13.

³ Id., Art. 10.

⁴ Id., Art. 14.

⁵ UN Document E/2361.

CONVENTION REGARDING INTERNATIONAL EXHIBITIONS¹

November 22, 1928 as amended on May 10, 1948

The undersigned, Plenipotentiaries of the Governments hereinafter enumerated, having met in conference at Paris from November 12 to 22, 1929, have, by common consent and subject to ratification, agreed as follows:

SECTION I

Definitions

Art. 1. The provisions of the present convention apply only to international exhibitions which are official or officially recognised.

The expression "official or officially recognised international exhibitions" shall be deemed to include every display, whatever its designation, to which foreign countries are invited through the diplomatic channel, which is not generally held periodically, of which the principal object is to demonstrate the progress of different countries in one or several branches of production, and in which, as regards admission, no distinction in principle is made between buyers and visitors.

The provisions of the said convention do not apply to the following:

- (1) Exhibitions having a duration of less than three weeks;
- (2) Scientific exhibitions organized on the occasion of international congresses, provided that their duration does not exceed the period mentioned in 1;
- (3) Exhibitions of the fine arts;
- (4) Exhibitions organized by one country in another country on the invitation of the latter.

The contracting countries agree to withhold State patronage, subsidies, and the privileges provided for in Section III, IV and V below, from international exhibitions to which the present convention applies, and which do not comply with the conditions therein provided.

Art. 2. Any exhibition which includes the products of more than one branch of human activity, or which is organized with a view to demonstrating the progress achieved in the whole of a given sphere of activity (such as hygiene, applied arts, modern comfort, colonial development, etc.), shall be deemed to be a general exhibition.

Any exhibition which is concerned with only one applied science (electricity, optics, chemistry etc.), one industry (textiles, founding, graphic

¹ Translation of the United Kingdom Foreign Office, amendments (to Articles 2, 3, 4 and 10) translated by A. Kroonenberg, The Hague.

arts, etc.), one raw material (leathers and skins, silk, nickel, etc.), or one elementary necessity (heating, food, transport, etc.), shall be deemed to be a special exhibition; it must not comprise any national pavilions.

The International Bureau, provided for in Article 10, shall draw up a classification of exhibitions to serve as a guide as to the trades and products which may, in accordance with the preceding paragraph, figure in a special exhibition. The classification may be revised annually.

Art. 3. The duration of any international exhibition should not exceed six months. This duration shall be fixed when the exhibition is registered, and it may not be extended by the Bureau, unless in the case of *force majeure* resulting from events that occurred during the period of the exhibition such as fires, inundations, social riots, which have made it impossible for the exhibition either to be opened on the appointed date, or to function normally during the period of its duration. The decision upon any request for an extension made by the country in which the exhibition is held shall rest with the Bureau.

Any extension granted shall be proportioned to the duration of the interruption of the exhibition. This extension shall begin to run from the date which the organizing country shall indicate, and which may on no account constitute a delay of more than six months after the date of closing of the said exhibition.

SECTION II

Frequency of Exhibitions

Art. 4. The frequency of international exhibitions to which the present convention applies shall be governed by the following principles:

All general exhibitions fall into one of the two following categories:

First category: Those in which the countries invited to participate are obliged to construct national pavilions.

Second category: Those in which such countries are not so obliged.

For the organization of international exhibitions the world shall be divided into three zones, to wit: the European zone, the zone of the two Americas, and the third zone comprising the rest of the world. A country whose territory extends over two zones should choose with which it intends to be classed.

In the same country not more than one general exhibition of the first category may be held during any period of fifteen years, and an interval of ten years must elapse between two general exhibitions of either category.

No contracting country may participate in a general exhibition of the first category unless an interval of at least six years has elapsed since the last general exhibition of the first category in the same zone, or at least two years after such an exhibition in any other zone. No contracting country shall participate in any general exhibition of the second category unless an interval of two years has elapsed since the last general exhibition in the same zone, and of one year in any other zone. These intervals are fixed at four and two years if the exhibition in question is of the same kind as the preceding one.

The intervals laid down in the preceding paragraph shall apply without any distinction being made between exhibitions organized by contracting countries and non-contracting countries.

More than one special exhibition of the same kind may not be held at the same time on the territories of the contracting countries. An interval of five years must elapse between two special exhibitions of the same kind in the same country. Provided always that the International Bureau may, in exceptional circumstances, reduce the last-mentioned period to not less than three years when in the opinion of the Bureau such reduction is justified by the rapid development of any particular branch of production. The same reduction may be allowed in favour of exhibitions which, by an already established custom in certain countries, are held at intervals of less than five years.

At least three months' interval must elapse between two special exhibitions of a different kind held in the same country.

The intervals provided for in the present Article shall be reckoned from the date of opening of the exhibition.

Art. 5. The contracting country on whose territory an exhibition to which the present convention applies is organised must, subject to Article 8 below, address its invitations to foreign countries through the diplomatic channel:

Three years in advance in the case of general exhibitions of the first category;

Two years in advance for general exhibitions of the second category;

One year in advance for special exhibitions.

No Government may itself or officially sponsor any participation in an international exhibition in respect of which an invitation as above provided has not been addressed to it.

Art. 6. If more countries than one should be in competition with each other for the right to hold an international exhibition in any period, such countries shall proceed to an exchange of views in order to determine which country shall obtain the right of so doing.

In the case of no agreement being arrived at, they shall refer the matter to the arbitration of the International Bureau, which shall take into account the considerations submitted on behalf of each country, and particularly any special reasons of an historic or sentimental character, the period which has elapsed since the last exhibition, and the number of displays already held by each of such countries.

Art. 7. If any exhibition of the character defined in Article 1 should be held in a non-contracting country, the contracting countries, before accepting any invitation to such exhibition, shall refer the matter to the International Bureau for their opinion.

The contracting countries shall not participate in any such exhibition unless it offers the same guarantees as those required under the provisions of the present convention, or at any rate sufficient guarantees. In the case of an exhibition held by a contracting country synchronizing with one organized by a non-contracting country, the other contracting countries

shall, in the absence of exceptional circumstances, give preference to the former.

Art. 8. Any country which proposes to hold an exhibition, to which the present convention applies, must, at least six months before the commencement of the intervals prescribed in Article 5 for the issue of invitations, address to the International Bureau an application for the registration of the exhibition. Such application shall state the title of the exhibition and its duration, and shall be accompanied by the classification of exhibits, copies of the general regulations, the jury regulations, and all documents necessary to show the measures proposed to ensure the safety of persons and property, the protection of industrial property and copyright, and to satisfy the conditions prescribed below in Sections IV and V. The Bureau shall not register an exhibition unless such exhibition fulfils all the conditions required by the present convention.

No contracting country shall accept an invitation to participate in an exhibition to which the present convention applies unless the invitation states that registration has been accorded.

Always provided that, even if such an invitation is received, the contracting countries are entirely free to refrain from participation in an exhibition organized in conformity with the provisions of the present convention.

Art. 9. In the event of a country not proceeding with a projected exhibition for which registration has been obtained, the International Bureau shall decide the date when such country shall be allowed again to compete with other countries for the holding of another exhibition.

SECTION III

International Exhibitions Bureau

Art. 10. An International Exhibitions Bureau shall be set up which shall supervise the execution of this convention. This Bureau shall consist of an Administrative Council assisted by a Classification Committee and of a Director, whose appointment and duties shall be determined in the regulations provided for in the immediately following Article.

The first meeting of the Administrative Council of the International Bureau shall be convened at Paris by the Government of the French Republic in the year following the coming into force of the convention. At this meeting the Council shall fix the seat of the International Bureau and elect the Director.

If the office of Director is vacant the Council of the International Exhibitions Bureau shall, by absolute majority, elect a Director, who shall be a national of one of the contracting countries. The Director shall be appointed for a number of years to be determined by the regulations of the Bureau. His remuneration shall be fixed by the Council on the recommendation of the Budget Committee.

Art. 11. The Administrative Council shall be composed of members appointed by the contracting countries, each country having the right to

appoint one to three members. The Council is authorized to admit in an advisory capacity two or three members of the International Chamber of Commerce elected for the purpose by that Chamber.

The Council shall give decisions on all questions which are referred to it under the provisions of the convention. The Council shall draw up and adopt regulations governing the organisation and management of the International Bureau, and shall draw up the budget of receipts and expenses, and check and approve accounts.

Art. 12. Every country, whatever the number of its delegates, shall have one vote on the Council. Any country may entrust its representation to the delegation of another country which, in such case, shall have a number of votes equal to the number of countries which it represents. A quorum of two-thirds of the countries represented on the Council shall be required to give validity to its resolutions.

A majority of the votes cast shall suffice for resolutions except in the following cases:

- (1) Adoption of regulations;
- (2) Increase of the budget;
- (3) Rejection of a request presented by a contracting country, or granting an application when several countries are competing;
- (4) Authorization of a general exhibition for a longer period than six months.

In these four cases a majority of two-thirds of the countries represented on the International Bureau is required.

Art. 13. The Classification Committee shall be composed of representatives nominated by the Governments of twelve contracting countries. One half of these twelve countries shall be chosen by the International Bureau; the other half shall be determined by a system of rotation which shall be laid down in the regulations of the Bureau. The committee may admit, in a consultative capacity, one or two members of the International Chamber of Commerce selected for the purpose by that Chamber.

This committee shall draw up for the approval of the Administrative Council a draft of the classification of exhibitions provided for in Article 2, and of any modifications which may be made thereto. When questions arise as to the application of the intervals provided for in Article 4, the committee shall give an opinion as to whether an exhibition submitted for registration is special or general, and as to whether, notwithstanding its title and its classification, such exhibition is not of the same character as a preceding exhibition, or as a special exhibition which is being held at the same date.

Art. 14. The budget of the Bureau shall be fixed provisionally at £4,000 sterling. The expenses of the Bureau shall be defrayed by the contracting countries, whose contributions shall be determined as follows: the contributions of countries which are members of the League of Nations shall be in the same proportions as the contributions which those countries make to the League of Nations. Except in the case of the budget being increased above the figure mentioned above, the contribution of the most highly assessed countries shall not exceed £500 sterling. A country which

is not a member of the League of Nations shall designate a country which is a member of the League of Nations, whose economic resources it considers equivalent to its own, and shall pay the same contribution as that country.

In addition, the Administrative Council may authorize the levying of other fees in payment for services rendered to groups or to individuals.

SECTION IV

Obligations of an Inviting Country and of Participating Countries

Art. 15. Any Government which issues invitations to an international exhibition shall nominate a Government commissioner or delegate, authorised to represent it and to guarantee the fulfilment of its obligations towards the foreign participants. Such commissioner or delegate shall see that all necessary measures are taken for the material safety of the goods exhibited.

Art. 16. The Governments of participating countries shall nominate commissioners or delegates to represent them and to be responsible for carrying out the regulations of the exhibition.

Such commissioners or delegates shall have the exclusive right of fixing the allocation or distribution of space between the exhibitors in their national pavilions and sections.

Art. 17. In a general exhibition no charge may be made by the administration for space, covered or uncovered, which is provided for in the programme of the exhibition and allotted to each participating country.

Art. 18. In every exhibition to which the present convention applies, goods subject to customs duties and taxes forming part of foreign exhibits shall be admitted temporarily free of duty and tax on condition of being re-exported. Such goods shall be accompanied by a certificate from the consignor, which shall certify their number and character, the marks and numbers of the packages, and the commercial descriptions of the articles, their weight, origin and value. The goods shall be released from bond on the premises of the exhibition without being submitted to customs examination at the frontier. The application of the preceding provisions shall be subject to the customs regulations of the country in which the exhibition is held.

When, under the legislation of the inviting country, security is required in order to obtain the temporary free admission referred to in the preceding paragraph, security given by the commissioner of each participating country on behalf of his exhibitors shall be accepted as a sufficient guarantee for the payment of customs duties and all other duties and taxes applicable to the goods exhibited which are not re-exported within the periods fixed after the close of the exhibition.

The provisions relating to temporary free admission shall not apply to stocks of goods which cannot be properly regarded as samples and are imported for the exclusive object of sale during the course of the exhibition.

Exhibits which have suffered total or partial destruction shall be exempt from duty provided:

(1) That the exhibitor produces evidence showing that the quantities missing or that the goods deteriorated have been utilized for the service of the exhibition, or cannot be sold owing to their perishable character;

(2) That the customs tariff imposes no tax or import duty on deteriorated or unusable goods.

This exemption shall not apply to goods which have been consumed in the manner for which they are normally destined.

The evidence referred to in paragraph 4 shall be presented by the commissioner or delegate of the country to which the exhibitor belongs, for the decision of the authorities of the country in which the exhibition is held.

In the application of the foregoing provisions, the following shall be regarded as goods intended for the exhibition:

(1) Materials for construction, even if imported in a raw state to be worked up after arrival in the country where the exhibition takes place;

(2) Tools and transport material for the work of the exhibition;

(3) Articles for the interior and exterior decoration of exhibitor's sites, stands and showcases;

(4) Articles for the decoration and furnishing of offices used by the commissioners or delegates of the participating countries, as well as office furniture intended for their use;

(5) Goods or objects employed in the installation and working of machinery or apparatus exhibited;

(6) Samples required by the juries for appraising and judging the exhibits, subject to the production of a certificate by the commissioner of the section indicating the nature and quality of the goods so consumed.

In addition, the following shall be exempted from duties:

(1) Official catalogues, pamphlets and posters, illustrated or otherwise, published by the countries participating in the exhibition;

(2) Catalogues, pamphlets, posters and all other publications, illustrated or otherwise, distributed free of charge by the exhibitors of foreign products within the area and during the period of the exhibition.

The provisions of the present Article do not apply to goods which, under the legislation of the country in which the exhibition is held, are the subject of a State monopoly, or the sale of which is prohibited or controlled by licence, save under conditions prescribed by the Government of that country. Nevertheless, the exhibition of such products shall be permitted subject to measures of control taken with a view to preventing their sale.

Art. 19. The regulations of every international exhibition shall include a provision giving to an exhibitor the right to withdraw his undertaking to participate in the event of the duties applicable to the goods of such exhibitor being increased subsequently to the date of his undertaking to participate.

Art. 20. At the close of an exhibition, exhibitors shall be permitted, unless the legislation of the country where the exhibition takes place forbids it, to sell and deliver the samples exhibited. In this case he shall not be subjected to any taxes other than those he would have had to pay in the case of direct importation.

Art. 21. In an international exhibition no group or firm shall make use of any geographical description denoting a participating country, except with the authorization of the commissioner or delegate of that country.

In the case of contracting countries which are not participating in the exhibition, the use of such descriptions shall be prohibited by the administration of the exhibition at the request of the Governments interested.

Art. 22. Only those sections in an exhibition which are under the direction of a commissioner or of a delegate appointed as provided in Articles 15 and 16 by the Government of the organizing or of a participating country shall be considered or may be described as national sections.

Art. 23. The national section of a country may contain only goods belonging to that country.

Nevertheless, subject to the authorization of the commissioner or delegate of the country concerned, articles belonging to another country may be included on condition that they are employed solely to complete an exhibit, that they shall have no influence on the granting of an award to the exhibit itself, and that they cannot, as so shown, themselves receive any award.

Products extracted from the ground, grown or manufactured in the territory of any country shall be deemed to belong to the industry and agriculture of such country.

Art. 24. Subject to provisions to the contrary in the legislation of the country in which it is held, in principle no monopolies of any kind should be granted in an exhibition. Nevertheless, the administration of the exhibition may, if it thinks necessary, grant the following monopolies: lighting, heating, customs clearance, upkeep, and publicity inside the exhibition. In this case the following conditions must be observed:

(1) The existence of such monopoly or monopolies must be shown in the regulations of the exhibition, and in the application form to be signed by exhibitors;

(2) The services subject to monopoly must be made available to exhibitors under the conditions normally obtaining in the country;

(3) No limitation must be imposed on the powers of the commissioners in their respective sections.

The commissioner of the organizing country shall take steps to ensure that the rates for labor charged to the participating countries shall not be higher than those charged to the administration of the organizing country.

Art. 25. Each country where an international exhibition takes place shall tender its good offices with a view to obtaining from its railway, shipping and aviation authorities, public or private, transport facilities for goods intended for such exhibition.

Art. 26. Each country shall take whatever measures appear to be appropriate under its own laws to proceed against the promoters of fictitious exhibitions, or of exhibitions to which exhibitors are fraudulently attracted by misleading promises, announcements or advertisements.

SECTION V

Awards

Art. 27. The general regulations of the exhibition must indicate whether, independently of the certificates of participation which must always be accorded, awards will or will not be granted to exhibitors. In cases where awards are granted they may be limited to certain classes.

Before the opening of the exhibition, exhibitors, either in the general sections or in their national pavilions, who do not wish to receive awards, should make a declaration to that effect to the administration of the exhibition through the intermediary of their commissioners or delegates.

Members of the jury are necessarily debarred from receiving awards.

Art. 28. Participation in an exhibition is either free or conditional.

Participation is free when all goods may be admitted to the exhibition provided that the exhibitor has made his application in due time and has fulfilled the general conditions governing such application.

Participation is conditional when the general regulations stipulate that the articles admitted to the exhibition must satisfy certain special stipulations, such as sound manufacture or originality.

In this event the regulations of the exhibition shall contain a clause, to which the invited countries can refer, indicating the procedure to be adopted by the organizing country for the admission of exhibits to its national section; each country retaining, however, the right of adapting such procedure in the manner that it deems most appropriate in its own case.

Art. 29. The appraising and judging of the exhibits shall be entrusted to an international jury, set up in accordance with the following rules:

(1) Each country shall be represented on the jury in proportion to the part it takes in the exhibition, having regard particularly to the number of its exhibitors, not including collaborators and co-operators, and to the area which they occupy.

Each country shall have the right to at least one juror in every class in which its goods are exhibited, except in cases where the administration of the exhibition and the commissioner or delegate of the country concerned are agreed that such representation is not justified by the extent of its participation in that class.

No country may have more than seven jurors in any one class; this limitation shall not, however, apply to the classes of food products, liquid and solid.

(2) The functions of juror shall be assigned to persons having the necessary technical knowledge.

(3) Jurors may not be appointed except with the approval of their Government.

(4) The jury shall comprise three grades of jurisdiction.

Art. 30. The awards shall be divided into five grades:

- (1) Grands prix.
- (2) Diplomas of honor.
- (3) Gold medals.
- (4) Silver medals.
- (5) Bronze medals.

In addition, diplomas may be awarded, on the recommendation of

exhibitors gaining awards or of members of the jury, to their collaborators and co-operators.

Persons appointed as members of the jury may describe themselves as such in all cases where exhibitors are authorised to mention their awards.

The description "hors concours" is henceforth prohibited both for members of the jury and for exhibitors who have abstained from competing for awards.

Art. 31. The list of awards shall be registered at the International Bureau. The recipients of awards may only announce their awards on condition that such announcement includes the exact title of the exhibition. They shall be authorized to add to such announcement the monogram of the International Bureau. The International Exhibitions Bureau shall inform the International Industrial Property Bureau at Berne of the exhibitions registered, and shall send that Bureau the lists of awards.

Art. 32. The International Bureau shall establish model regulations setting forth the general conditions for the composition and functioning of juries and determining the method of granting awards. The adoption of such regulations shall be recommended to organizing countries.

SECTION VI

Final Provisions

Art. 33. The present convention shall be subject to ratification;

(a) Each Government, as soon as it is ready to take part in a deposit of ratifications, shall so notify the French Government. As soon as seven Governments shall have so declared themselves ready, the deposit of ratifications shall take place, on a day appointed by the French Government, within a month of the date of the receipt by that Government of the last notification.

(b) The ratifications shall be deposited in the archives of the French Government.

(c) The deposit of ratifications shall be verified by a *procès-verbal* signed by the representatives of the Governments taking part therein and by the Minister for Foreign Affairs of the French Republic.

(d) The Governments of signatory countries which have not been ready to deposit their ratifications under the conditions set forth in paragraph (a) of the present Article, may do so subsequently by means of a written notification addressed to the Government of the French Republic and accompanied by the instruments of ratification.

(e) Certified copies of the *procès-verbal* of the first deposit of ratifications, and of the notifications referred to in the preceding paragraph, shall be immediately transmitted, through the intermediary of the French Government, by the diplomatic channel to the Governments which have signed the present convention or have acceded thereto. In the case of notifications received under the preceding paragraph, the French Government shall also state the dates on which they have been received.

Art. 34. (a) The present convention applies *ipso facto* to the metropolitan territories only of the contracting countries.

(b) If a country desires the convention to apply to its colonies, protectorates, overseas territories, and territories under suzerainty or mandate, a statement to that effect shall be included in its ratification or form the subject of a notification addressed in writing to the French Government. Any such notification shall be deposited in the archives of that Government.

If the latter procedure is adopted, the French Government shall transmit to the Governments of signatory or acceding countries a certified copy of such notification, showing the date at which it was received.

(c) Exhibitions which include only the products of a metropolitan country and of its colonies, protectorates, overseas territories and territories under suzerainty or mandate shall be considered as national exhibitions, and, in consequence, not subject to the present convention, whether or not the convention may be in force in such territories.

Art. 35. (a) At any time after the coming into force of the present convention any non-signatory country may accede thereto.

(b) Such accession may be effected by a notification in writing transmitted through the diplomatic channel to the French Government. Such notifications of accession shall be deposited in the archives of that Government.

(c) The French Government shall transmit immediately to the Governments of all signatory and acceding countries certified copies of any such notifications, showing the dates on which they were received.

Art. 36. The present convention shall come into force, in respect of the countries which have taken part in the first deposit of ratifications, one month after the date of the *procès-verbal* thereof. In the case of countries which ratify subsequently or accede thereto, and in respect of colonies, protectorates, overseas territories and territories under suzerainty or mandate not included in ratifications, the convention shall take effect one month after the date of receipt of the notifications provided for in Articles 33, paragraph (d); 34, paragraph (b); 35, paragraph (b).

Art. 37. The present convention shall not be capable of being denounced until a period of five years has elapsed since the date of its coming into force.

Thereafter notifications of denunciation may be addressed to the Government of the French Republic and shall take effect one year after the date of their receipt. Certified copies of such notifications, showing the date on which they were received, shall be immediately transmitted by the Government of the French Republic to the Governments of all countries which have signed or acceded to the present convention.

The provisions of the present Article apply also to colonies, protectorates overseas territories and territories under suzerainty or mandate.

Art. 38. If, by reason of denunciations, the number of contracting countries is reduced to less than seven, the Government of the French Republic shall immediately summon an international conference to consider what measures shall be taken.

Art. 39. The Government of the French Republic shall communicate to the International Bureau copies of all ratifications, accessions and denunciations.

Art. 40. The present convention shall remain open for signature at Paris until the 30th April, 1929.

In faith whereof the undermentioned Plenipotentiaries have signed the present convention.

Done at Paris on the 22nd November, 1928, in one copy which shall be deposited in the archives of the Government of the French Republic, and of which certified copies shall be transmitted through the diplomatic channel to the Governments of all countries represented at the Conference of Paris.

INTERNATIONAL FINANCE CORPORATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Finance Corporation was established by Articles of Agreement drawn up at Washington on May 25, 1955, which entered into force on July 20, 1956, when they had been accepted by not less than thirty governments whose subscriptions comprised not less than 75% of total subscriptions.¹ The Corporation is an affiliate of the International Bank for Reconstruction and Development but its Articles of Agreement provide that it shall be separate and distinct from the Bank and its funds kept separate and apart from those of the Bank.²

Members may withdraw by notification with immediate effect and any member withdrawing from or suspended by the Bank automatically ceases to be a member of the Association.³

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purpose is to further economic development by encouraging the growth of productive private enterprise, particularly in the less developed areas, thus supplementing the activities of the Bank.⁴ The Corporation, in association with private investors, assists in financing the establishment, improvement and expansion of private enterprises without guarantee of repayment by the member government concerned.⁴ It may make investments in any form which it deems appropriate except that it may not make investments in capital stock.⁵

ORGANS

The organs are:

(1) A Board of Governors composed of each Governor and Alternate Governor of the Bank appointed by each member of the Association, meeting annually.⁶ There is a system of weighted voting.⁷

¹ Articles of Agreement, Art. 9.

² Id., Art. 4(6).

³ Id., Art. 5.

⁴ Id., Art. 1.

⁵ Id., Art. 3(2).

⁶ Id., Art. 4(2).

⁷ Id., Art. 4(3).

(2) A Board of Directors Composed *ex officio* of each Executive Director of the Bank appointed by a member or elected.¹

(3) The President of the Bank is *ex officio* Chairman of the Board of Directors without vote except for a casting vote. There is a President and Staff.²

MEMBERSHIP

The members are Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Ceylon, Chile, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Lebanon, Libya, Luxembourg, Malaya, Mexico, Netherlands, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Spain, Sudan, Sweden, Thailand, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Venezuela.

Cuba and the Dominican Republic have withdrawn.

MEANS OF FINANCIAL SUPPORT

The authorized capital stock of the Corporation is one thousand million United States dollars subscribed in amounts ranging from \$35,168,000 to \$2,000 for individual members.³ This amount may be increased by the Board of Governors.³ The Corporation may issue shares of stock which are available only to members.³

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Corporation is an affiliate of the Bank and has an Agreement with the United Nations of November 14, 1956. It may enter into arrangements with other international organizations.⁴

HEADQUARTERS

The headquarters are at 1818 H Street, Washington, the headquarters of the Bank.

¹ Id., Art. 4(4).

² Id., Art. 4(5).

³ Id., Art. 2 and Schedule A.

⁴ Id., Art. 4(7).

ARTICLES OF AGREEMENT of the INTERNATIONAL FINANCE CORPORATION¹

May 25, 1955

The Governments on whose behalf this Agreement is signed agree as follows:

INTRODUCTORY ARTICLE

The International Finance Corporation (hereinafter called the Corporation) is established and shall operate in accordance with the following provisions:

Purpose

Art. 1. The purpose of the Corporation is to further economic development by encouraging the growth of productive private enterprise in member countries, particularly in the less developed areas, thus supplementing the activities of the International Bank for Reconstruction and Development (hereinafter called the Bank). In carrying out this purpose, the Corporation shall:

(i) in association with private investors, assist in financing the establishment, improvement and expansion of productive private enterprises which would contribute to the development of its member countries by making investments, without guarantee of repayment by the member government concerned, in cases where sufficient private capital is not available on reasonable terms;

(ii) seek to bring together investment opportunities, domestic and foreign private capital, and experienced management; and

(iii) seek to stimulate, and to help create conditions conducive to, the flow of private capital, domestic and foreign, into productive investment in member countries.

The Corporation shall be guided in all its decisions by the provisions of this Article.

Membership and Capital

Art. 2. SECTION 1. Membership

(a) The original members of the Corporation shall be those members of the Bank listed in Schedule A hereto which shall, on or before the date specified in Article 9, Section 2 (c), accept membership in the Corporation.

(b) Membership shall be open to other members of the Bank at such

¹ Published by the International Bank.

(*Art. 2, contin.*)

times and in accordance with such terms as may be prescribed by the Corporation.

SECTION 2. *Capital Stock*

(a) The authorized capital stock of the Corporation shall be \$100,000,000, in terms of United States dollars.

(b) The authorized capital stock shall be divided into 100,000 shares having a par value of one thousand United States dollars each. Any such shares not initially subscribed by original members shall be available for subsequent subscription in accordance with Section 3 (d) of this Article.

(c) The amount of capital stock at any time authorized may be increased by the Board of Governors as follows:

(i) by a majority of the votes cast, in case such increase is necessary for the purpose of issuing shares of capital stock on initial subscription by members other than original members, provided that the aggregate of any increases authorized pursuant to this sub-paragraph shall not exceed 10,000 shares;

(ii) in any other case, by a three-fourths majority of the total voting power.

(d) In case of an increase authorized pursuant to paragraph (c) (i) above, each member shall have a reasonable opportunity to subscribe, under such conditions as the Corporation shall decide, to a proportion of the increase of stock equivalent to the proportion which its stock theretofore subscribed bears to the total capital stock of the Corporation, but no member shall be obligated to subscribe to any part of the increased capital.

(e) Issuance of shares of stock, other than those subscribed either on initial subscription or pursuant to paragraph (d) above, shall require a three-fourths majority of the total voting power.

(f) Shares of stock of the Corporation shall be available for subscription only by, and shall be issued only to, members.

SECTION 3. *Subscriptions*

(a) Each original member shall subscribe to the number of shares of stock set forth opposite its name in Schedule A. The number of shares of stock to be subscribed by other members shall be determined by the Corporation.

(b) Shares of stock initially subscribed by original members shall be issued at par.

(c) The initial subscription of each original member shall be payable in full within 30 days after either the date on which the Corporation shall begin operations pursuant to Article 9, Section 3 (b), or the date on which such original member becomes a member, whichever shall be later, or at such date thereafter as the Corporation shall determine. Payment shall be made in gold or United States dollars in response to a call by the Corporation which shall specify the place or places of payment.

(*Art. 2, contin.*)

(d) The price and other terms of subscription of shares of stock to be subscribed, otherwise than on initial subscription by original members, shall be determined by the Corporation.

SECTION 4. *Limitation on Liability*

No member shall be liable, by reason of its membership, for obligations of the Corporation.

SECTION 5. *Restriction on Transfers and Pledges of Shares*

Shares of stock shall not be pledged or encumbered in any manner whatever, and shall be transferable only to the Corporation.

Operations

Art. 3. SECTION 1. Financing Operations

The Corporation may make investments of its funds in productive private enterprises in the territories of its members. The existence of a government or other public interest in such an enterprise shall not necessarily preclude the Corporation from making an investment therein.

SECTION 2. *Forms of Financing*

(a) The Corporation's financing shall not take the form of investments in capital stock. Subject to the foregoing, the Corporation may make investments of its funds in such form or forms as it may deem appropriate in the circumstances, including (but without limitation) investments according to the holder thereof the right to participate in earnings and the right to subscribe to, or to convert the investment into, capital stock.

(b) The Corporation shall not itself exercise any right to subscribe to, or to convert any investment into, capital stock.

SECTION 3. *Operational Principles*

The operations of the Corporation shall be conducted in accordance with the following principles:

(i) the Corporation shall not undertake any financing for which in its opinion sufficient private capital could be obtained on reasonable terms;

(ii) the Corporation shall not finance an enterprise in the territories of any member if the member objects to such financing;

(iii) the Corporation shall impose no conditions that the proceeds of any financing by it shall be spent in the territories of any particular country;

(iv) the Corporation shall not assume responsibility for managing any enterprise in which it has invested;

(v) the Corporation shall undertake its financing on terms and conditions which it considers appropriate, taking into account the requirements of the enterprise, the risks being undertaken by the Corporation and the terms and conditions normally obtained by private investors for similar financing;

(vi) the Corporation shall seek to revolve its funds by selling its investments to private investors whenever it can appropriately do so on satisfactory terms;

(vii) the Corporation shall seek to maintain a reasonable diversification in its investments.

(Art. 3, *contin.*)

SECTION 4. *Protection of Interests*

Nothing in this Agreement shall prevent the Corporation, in the event of actual or threatened default on any of its investments, actual or threatened insolvency of the enterprise in which such investment shall have been made, or other situations which, in the opinion of the Corporation, threaten to jeopardize such investment, from taking such action and exercising such rights as it may deem necessary for the protection of its interests.

SECTION 5. *Applicability of Certain Foreign Exchange Restrictions*

Funds received by or payable to the Corporation in respect of an investment of the Corporation made in any member's territories pursuant to Section 1 of this Article shall not be free, solely by reason of any provision of this Agreement, from generally applicable foreign exchange restrictions, regulations and controls in force in the territories of that member.

SECTION 6. *Miscellaneous Operations*

In addition to the operations specified elsewhere in this Agreement, the Corporation shall have the power to:

(i) borrow funds, and in that connection to furnish such collateral or other security therefor as it shall determine; provided, however, that before making a public sale of its obligations in the markets of a member, the Corporation shall have obtained the approval of that member and of the member in whose currency the obligations are to be denominated;

(ii) invest funds not needed in its financing operations in such obligations as it may determine and invest funds held by it for pension or similar purposes in any marketable securities, all without being subject to the restrictions imposed by other sections of this Article;

(iii) guarantee securities in which it has invested in order to facilitate their sale;

(iv) buy and sell securities it has issued or guaranteed or in which it has invested;

(v) exercise such other powers incidental to its business as shall be necessary or desirable in furtherance of its purposes.

SECTION 7. *Valuation of Currencies*

Whenever it shall become necessary under this Agreement to value any currency in terms of the value of another currency, such valuation shall be as reasonably determined by the Corporation after consultation with the International Monetary Fund.

SECTION 8. *Warning To Be Placed on Securities*

Every security issued or guaranteed by the Corporation shall bear on its face a conspicuous statement to the effect that it is not an obligation of the Bank or, unless expressly stated on the security, of any government.

(Art. 3, *contin.*)

SECTION 9. *Political Activity Prohibited*

The Corporation and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purposes stated in this Agreement.

Organization and Management

Art. 4. SECTION 1. *Structure of the Corporation*

The Corporation shall have a Board of Governors, a Board of Directors, a Chairman of the Board of Directors, a President and such other officers and staff to perform such duties as the Corporation may determine.

SECTION 2. *Board of Governors*

(a) All the powers of the Corporation shall be vested in the Board of Governors.

(b) Each Governor and Alternate Governor of the Bank appointed by a member of the Bank which is also a member of the Corporation shall *ex officio* be a Governor or Alternate Governor, respectively, of the Corporation. No Alternate Governor may vote except in the absence of his principal. The Board of Governors shall select one of the Governors as Chairman of the Board of Governors. Any Governor or Alternate Governor shall cease to hold office if the member by which he was appointed shall cease to be a member of the Corporation.

(c) The Board of Governors may delegate to the Board of Directors authority to exercise any of its powers, except the power to:

(i) admit new members and determine the conditions of their admission;

(ii) increase or decrease the capital stock;

(iii) suspend a member;

(iv) decide appeals from interpretations of this Agreement given by the Board of Directors;

(v) make arrangements to co-operate with other international organizations (other than informal arrangements of a temporary and administrative character);

(vi) decide to suspend permanently the operations of the Corporation and to distribute its assets;

(vii) declare dividends;

(viii) amend this Agreement.

(d) The Board of Governors shall hold an annual meeting and such other meetings as may be provided for by the Board of Governors or called by the Board of Directors.

(e) The annual meeting of the Board of Governors shall be held in conjunction with the annual meeting of the Board of Governors of the Bank.

(f) A quorum for any meeting of the Board of Governors shall be a

(Art. 4, *contin.*)

majority of the Governors, exercising not less than two-thirds of the total voting power.

(g) The Corporation may by regulation establish a procedure whereby the Board of Directors may obtain a vote of the Governors on a specific question without calling a meeting of the Board of Governors.

(h) The Board of Governors, and the Board of Directors to the extent authorized, may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Corporation.

(i) Governors and Alternate Governors shall serve as such without compensation from the Corporation.

SECTION 3. *Voting*

(a) Each member shall have two hundred fifty votes plus one additional vote for each share of stock held.

(b) Except as otherwise expressly provided, all matters before the Corporation shall be decided by a majority of the votes cast.

SECTION 4. *Board of Directors*

(a) The Board of Directors shall be responsible for the conduct of the general operations of the Corporation, and for this purpose shall exercise all the powers given to it by this Agreement or delegated to it by Board of Governors.

(b) The Board of Directors of the Corporation shall be composed *ex officio* of each Executive Director of the Bank who shall have been either (i) appointed by a member of the Bank which is also a member of the Corporation, or (ii) elected in an election in which the votes of at least one member of the Bank which is also a member of the Corporation shall have counted toward his election. The Alternate to each such Executive Director of the Bank shall *ex officio* be an Alternate Director of the Corporation. Any Director shall cease to hold office if the member by which he was appointed, or if all the members whose votes counted toward his election, shall cease to be members of the Corporation.

(c) Each Director who is an appointed Executive Director of the Bank shall be entitled to cast the number of votes which the member by which he was so appointed is entitled to cast in the Corporation. Each Director who is an elected Executive Director of the Bank shall be entitled to cast the number of votes which the member or members of the Corporation whose votes counted toward his election in the Bank are entitled to cast in the Corporation. All the votes which a Director is entitled to cast shall be cast as a unit.

(d) An Alternate Director shall have full power to act in the absence of the Director who shall have appointed him. When a Director is present, his Alternate may participate in meetings but shall not vote.

(e) A quorum for any meeting of the Board of Directors shall be a majority of the Directors exercising not less than one-half of the total voting power.

(Art. 4, *contin.*)

(f) The Board of Directors shall meet as often as the business of the Corporation may require.

(g) The Board of Governors shall adopt regulations under which a member of the Corporation not entitled to appoint an Executive Director of the Bank may send a representative to attend any meeting of the Board of Directors of the Corporation when a request made by, or a matter particularly affecting, that member is under consideration.

SECTION 5. *Chairman, President and Staff*

(a) The President of the Bank shall be *ex officio* Chairman of the Board of Directors of the Corporation, but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Board of Governors but shall not vote at such meetings.

(b) The President of the Corporation shall be appointed by the Board of Directors on the recommendation of the Chairman. The President shall be chief of the operating staff of the Corporation. Under the direction of the Board of Directors and the general supervision of the Chairman, he shall conduct the ordinary business of the Corporation and under their general control shall be responsible for the organization, appointment and dismissal of the officers and staff. The President may participate in meetings of the Board of Directors but shall not vote at such meetings. The President shall cease to hold office by decision of the Board of Directors in which the Chairman concurs.

(c) The President, officers and staff of the Corporation, in the discharge of their offices, owe their duty entirely to the Corporation and to no other authority. Each member of the Corporation shall respect the international character of this duty and shall refrain from all attempts to influence any of them in the discharge of their duties.

(d) Subject to the paramount importance of securing the highest standards of efficiency and of technical competence, due regard shall be paid, in appointing the officers and staff of the Corporation, to the importance of recruiting personnel on as wide a geographical basis as possible.

SECTION 6. *Relationship to the Bank*

(a) The Corporation shall be an entity separate and distinct from the Bank and the funds of the Corporation shall be kept separate and apart from those of the Bank. The Corporation shall not lend to or borrow from the Bank. The provisions of this Section shall not prevent the Corporation from making arrangements with the Bank regarding facilities, personnel and services and arrangements for reimbursement of administrative expenses paid in the first instance by either organization on behalf of the other.

(b) Nothing in this Agreement shall make the Corporation liable for the acts or obligations of the Bank, or the Bank liable for the acts or obligations of the Corporation.

(*Art. 4, contin.*)

SECTION 7. *Relations With Other International Organizations*

The Corporation, acting through the Bank, shall enter into formal arrangements with the United Nations and may enter into such arrangements with other public international organizations having specialized responsibilities in related fields.

SECTION 8. *Location of Offices*

The principal office of the Corporation shall be in the same locality as the principal office of the Bank. The Corporation may establish other offices in the territories of any member.

SECTION 9. *Depositories*

Each member shall designate its central bank as a depository in which the Corporation may keep holdings of such member's currency or other assets of the Corporation or, if it has no central bank, it shall designate for such purpose such other institution as may be acceptable to the Corporation.

SECTION 10. *Channel of Communication*

Each member shall designate an appropriate authority with which the Corporation may communicate in connection with any matter arising under this Agreement.

SECTION 11. *Publication of Reports and Provision of Information*

(a) The Corporation shall publish an annual report containing an audited statement of its accounts and shall circulate to members at appropriate intervals a summary statement of its financial position and a profit and loss statement showing the results of its operations.

(b) The Corporation may publish such other reports as it deems desirable to carry out its purposes.

(c) Copies of all reports, statements and publications made under this Section shall be distributed to members.

SECTION 12. *Dividends*

(a) The Board of Governors may determine from time to time what part of the Corporation's net income and surplus, after making appropriate provision for reserves, shall be distributed as dividends.

(b) Dividends shall be distributed *pro rata* in proportion to capital stock held by members.

(c) Dividends shall be paid in such manner and in such currency or currencies as the Corporation shall determine.

*Withdrawal; Suspension of Membership; Suspension of Operations**Art. 5. SECTION 1. Withdrawal by Members*

Any member may withdraw from membership in the Corporation at any time by transmitting a notice in writing to the Corporation at its principal office. Withdrawal shall become effective upon the date such notice is received.

SECTION 2. Suspension of Membership

(a) If a member fails to fulfill any of its obligations to the Corporation, the Corporation may suspend its membership by decision of a majority of the Governors, exercising a majority of the total voting power. The member so suspended shall automatically cease to be a member one year from the date of its suspension unless a decision is taken by the same majority to restore the member to good standing.

(b) While under suspension, a member shall not be entitled to exercise any rights under this Agreement except the right of withdrawal, but shall remain subject to all obligations.

SECTION 3. Suspension or Cessation of Membership in the Bank

Any member which is suspended from membership in, or ceases to be a member of, the Bank shall automatically be suspended from membership in, or cease to be a member of, the Corporation, as the case may be.

SECTION 4. Rights and Duties of Governments Ceasing To Be Members

(a) When a government ceases to be a member it shall remain liable for all amounts due from it to the Corporation. The Corporation shall arrange for the repurchase of such government's capital stock as a part of the settlement of accounts with it in accordance with the provisions of this Section, but the government shall have no other rights under this Agreement except as provided in this Section and in Article 8 (c).

(b) The Corporation and the government may agree on the repurchase of the capital stock of the government on such terms as may be appropriate under the circumstances, without regard to the provisions of paragraph (c) below. Such agreement may provide, among other things, for a final settlement of all obligations of the government to the Corporation.

(c) If such agreement shall not have been made within six months after the government ceases to be a member or such other time as the Corporation and such government may agree, the repurchase price of the government's capital stock shall be the value thereof shown by the books of the Corporation on the day when the government ceases to be a member. The repurchase of the capital stock shall be subject to the following conditions:

(i) payments for shares of stock may be made from time to time, upon their surrender by the government, in such instalments, at such times and in such available currency or currencies as the Corporation reasonably determines, taking into account the financial position of the Corporation;

(Art. 5, *contin.*)

(i) any amount due to the government for its capital stock shall be withheld so long as the government or any of its agencies remains liable to the Corporation for payment of any amount and such amount may, at the option of the Corporation, be set off, as it becomes payable, against the amount due from the Corporation;

(ii) if the Corporation sustains a net loss on the investments made pursuant to Article 3, Section 1, and held by it on the date when the government ceases to be a member, and the amount of such loss exceeds the amount of the reserves provided therefor on such date, such government shall repay on demand the amount by which the repurchase price of its shares of stock would have been reduced if such loss had been taken into account when the repurchase price was determined.

(d) In no event shall any amount due to a government for its capital stock under this Section be paid until six months after the date upon which the government ceases to be a member. If within six months of the date upon which any government ceases to be a member the Corporation suspends operations under Section 5 of this Article, all rights of such government shall be determined by the provisions of such Section 5 and such government shall be considered still a member of the Corporation for purposes of such Section 5, except that it shall have no voting rights.

SECTION 5. *Suspension of Operations and Settlement of Obligations*

(a) The Corporation may permanently suspend its operations by vote of a majority of the Governors exercising a majority of the total voting power. After such suspension of operations the Corporation shall forthwith cease all activities, except those incident to the orderly realization, conservation and preservation of its assets and settlement of its obligations. Until final settlement of such obligations and distribution of such assets, the Corporation shall remain in existence and all mutual rights and obligations of the Corporation and its members under this Agreement shall continue unimpaired, except that no member shall be suspended or withdraw and that no distribution shall be made to members except as in this Section provided.

(b) No distribution shall be made to members on account of their subscriptions to the capital stock of the Corporation until all liabilities to creditors shall have been discharged or provided for and until the Board of Governors, by vote of a majority of the Governors exercising a majority of the total voting power, shall have decided to make such distribution.

(c) Subject to the foregoing, the Corporation shall distribute the assets of the Corporation to members *pro rata* in proportion to capital stock held by them, subject, in the case of any member, to prior settlement of all outstanding claims by the Corporation against such member. Such distribution shall be made at such times, in such currencies, and in cash or other assets as the Corporation shall deem fair and equitable. The shares distributed to the several members need not necessarily be uniform in respect of the type of assets distributed or of the currencies in which they are expressed.

(d) Any member receiving assets distributed by the Corporation pursuant to this Section shall enjoy the same rights with respect to such assets as the Corporation enjoyed prior to their distribution.

*Status, Immunities and Privileges**Art. 6. SECTION 1. Purposes of Article*

To enable the Corporation to fulfill the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Corporation in the territories of each member.

SECTION 2. Status of the Corporation

The Corporation shall possess full juridical personality and, in particular, the capacity:

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

SECTION 3. Position of the Corporation with Regard to Judicial Process

Actions may be brought against the Corporation only in a court of competent jurisdiction in the territories of a member in which the Corporation has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Corporation shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Corporation.

SECTION 4. Immunity of Assets from Seizure

Property and assets of the Corporation, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

SECTION 5. Immunity of Archives

The archives of the Corporation shall be inviolable.

SECTION 6. Freedom of Assets from Restrictions

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of Article 3, Section 5, and the other provisions of this Agreement, all property and assets of the Corporation shall be free from restrictions, regulations, controls and moratoria of any nature.

SECTION 7. Privilege for Communications

The official communications of the Corporation shall be accorded by each member the same treatment that it accords to the official communications of other members.

(Art. 6, *contin.*)

SECTION 8. *Immunities and Privileges of Officers and Employees*

All Governors, Directors, Alternates, officers and employees of the Corporation:

(i) shall be immune from legal process with respect to acts performed by them in their official capacity;

(ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registrations requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;

(iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

SECTION 9. *Immunities from Taxation*

(a) The Corporation, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Corporation shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Corporation to Directors, Alternates, officials or employees of the Corporation who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Corporation (including any dividend or interest thereon) by whomsoever held:

(i) which discriminates against such obligation or security solely because it is issued by the Corporation; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Corporation.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Corporation (including any dividend or interest thereon) by whomsoever held:

(i) which discriminates against such obligation or security solely because it is guaranteed by the Corporation; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Corporation.

SECTION 10. *Application of Article*

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Corporation of the detailed action which it has taken.

SECTION 11. *Waiver*

The Corporation in its discretion may waive any of the privileges and

(*Art. 6, contin.*)

immunities conferred under this Article to such extent and upon such conditions as it may determine.

Amendments

Art. 7. (a) This Agreement may be amended by vote of three-fifths of the Governors exercising four-fifths of the total voting power.

(b) Notwithstanding paragraph (a) above, the affirmative vote of all Governors is required in the case of any amendment modifying:

(i) the right to withdraw from the Corporation provided in Article 5, Section 1;

(ii) the pre-emptive right secured by Article 2, Section 2 (d);

(iii) the limitation on liability provided in Article 2, Section 4.

(c) Any proposal to amend this Agreement, whether emanating from a member, a Governor or the Board of Directors, shall be communicated to the Chairman of the Board of Governors who shall bring the proposal before the Board of Governors. When an amendment has been duly adopted, the Corporation shall so certify by formal communication addressed to all members. Amendments shall enter into force for all members three months after the date of the formal communication unless the Board of Governors shall specify a shorter period.

Interpretation and Arbitration

Art. 8. (a) Any question of interpretation of the provisions of this Agreement arising between any member and the Corporation or between any members of the Corporation shall be submitted to the Board of Directors for its decision. If the question particularly affects any member of the Corporation not entitled to appoint an Executive Director of the Bank, it shall be entitled to representation in accordance with Article 4, Section 4 (g).

(b) In any case where the Board of Directors has given a decision under (a) above, any member may require that the question be referred to the Board of Governors, whose decision shall be final. Pending the result of the reference to the Board of Governors, the Corporation may, so far as it deems necessary, act on the basis of the decision of the Board of Directors.

(c) Whenever a disagreement arises between the Corporation and a country which has ceased to be a member, or between the Corporation and any member during the permanent suspension of the Corporation, such disagreement shall be submitted to arbitration by a tribunal of three arbitrators, one appointed by the Corporation, another by the country involved and an umpire who, unless the parties otherwise agree, shall be appointed by the President of the International Court of Justice or such other authority as may have been prescribed by regulation adopted by the Corporation. The umpire shall have full power to settle all questions of procedure in any case where the parties are in disagreement with respect thereto.

*Final Provisions**Art. 9. SECTION 1. Entry into Force*

This Agreement shall enter into force when it has been signed on behalf of not less than 30 governments whose subscriptions comprise not less than 75 percent of the total subscriptions set forth in Schedule A and when the instruments referred to in Section 2 (a) of this Article have been deposited on their behalf, but in no event shall this Agreement enter into force before October 1, 1955.

SECTION 2. Signature

(a) Each government on whose behalf this Agreement is signed shall deposit with the Bank an instrument setting forth that it has accepted this Agreement without reservation in accordance with its law and has taken all steps necessary to enable it to carry out all of its obligations under this Agreement.

(b) Each government shall become a member of the Corporation as from the date of the deposit on its behalf of the instrument referred to in paragraph (a) above except that no government shall become a member before this Agreement enters into force under Section 1 of this Article.

(c) This Agreement shall remain open for signature until the close of business on December 31, 1956, at the principal office of the Bank on behalf of the governments of the countries whose names are set forth in Schedule A.

(d) After this Agreement shall have entered into force, it shall be open for signature on behalf of the government of any country whose membership has been approved pursuant to Article 2, Section 1 (b).

SECTION 3. Inauguration of the Corporation

(a) As soon as this Agreement enters into force under Section 1 of this Article the Chairman of the Board of Directors shall call a meeting of the Board of Directors.

(b) The Corporation shall begin operations on the date when such meeting is held.

(c) Pending the first meeting of the Board of Governors, the Board of Directors may exercise all the powers of the Board of Governors except those reserved to the Board of Governors under this Agreement.

Done at Washington, in a single copy which shall remain deposited in the archives of the International Bank of Reconstruction and Development, which has indicated by its signature below its agreement to act as depository of this Agreement and to notify all governments whose names are set forth in Schedule A of the date when this Agreement shall enter into force under Article 9, Section 1 hereof.

SCHEDULE A

*Subscriptions to Capital Stock of the
International Finance Corporation*

(not reproduced)

The original Schedule has been superseded by several charges.

The figures as of April 11, 1960, were as follows:

*Members and Subscriptions to Capital Stock
of the International Finance Corporation¹*

<i>Country</i>	<i>Amount</i> <i>(in United States dollars)</i>	<i>Country</i>	<i>Amount</i> <i>(in United States dollars)</i>
AFGHANISTAN	\$ 111,000	INDIA	4,431,000
AUSTRALIA	2,215,000	INDONESIA	1,218,000
AUSTRIA	554,000	IRAN	372,000
BELGIUM	2,492,000	IRAQ	67,000
BOLIVIA	78,000	IRELAND	332,000
BRAZIL	1,163,000	ISRAEL	50,000
BURMA	166,000	ITALY	1,994,000
CANADA	3,600,000	JAPAN	2,769,000
CEYLON	166,000	JORDAN	33,000
CHILE	388,000	LEBANON	50,000
COLOMBIA	388,000	LIBYA	55,000
COSTA RICA	22,000	LUXEMBOURG	111,000
CUBA	388,000	MALAYA	277,000
DENMARK	753,000	MEXICO	720,000
DOMINICAN REPUBLIC	22,000	NETHERLANDS	3,046,000
ECUADOR	35,000	NICARAGUA	9,000
EGYPT ²	590,000	NORWAY	554,000
EL SALVADOR	11,000	PAKISTAN	1,108,000
ETHIOPIA	33,000	PANAMA	2,000
FINLAND	421,000	PARAGUAY	16,000
FRANCE	5,815,000	PERU	194,000
GERMANY	3,655,000	PHILIPPINES	166,000
GHANA	166,000	SWEDEN	1,108,000
GREECE	277,000	THAILAND	139,000
GUATEMALA	22,000	TURKEY	476,000
HAITI	22,000	UNION OF SOUTH AFRICA	1,108,000
HONDURAS	11,000	UNITED KINGDOM	14,400,000
ICELAND	11,000	UNITED STATES	35,168,000
		VENEZUELA	116,000
TOTAL 57 countries			\$ 93,664,000

¹ Membership of Argentina, with a capital subscription of \$1,662,000, was approved by the Board of Governors on March 10, 1959; certain conditions remain to be fulfilled to complete membership.

² The United Arab Republic has advised that it has succeeded to the membership of Egypt with a subscription of \$ 662,000.

INTERNATIONAL HYDROGRAPHIC BUREAU

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Hydrographic Bureau was founded in June 1921, after a conference in London held in 1919 at the invitation of the British Admiralty. At that Conference, it was decided to establish an international bureau, a committee of three being appointed to proceed with its formation. The plans were referred in July 1920 to the participants of the London Conference; approval was obtained and the directors were elected June 21, 1921. The first meeting of the Directors took place on July 4th of that year. Organization was completed by September 21, 1921, and since that time the Bureau has functioned actively except for the period of World War II during which its activities were, for the most part, suspended. The statutes were revised in 1947, at the Fifth International Hydrographic Conference and again at the Sixth International Hydrographic Conference in 1952.

Members may withdraw with one year's notice.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Bureau is "a purely consultative agency," and has "no authority over the Hydrographic Services of State Members."²

Its purposes are to establish a close and permanent association between the hydrographic offices of its Members; to co-ordinate their work with a view to rendering navigation easier and safer in all seas; to endeavor to obtain uniformity as far as possible in charts and hydrographic documents, to encourage the adoption of the best methods of carrying out hydrographic surveys and to encourage improvement in the theory and practice of the science of hydrography.³

¹ Statutes, Art. 15.

² Id., Art. 4.

³ Id., Art. 3.

ORGANS

The organs are

(1) Hydrographic Conferences, composed of two or more delegates of each member, held customarily every five years, or upon special call.¹

(2) A Directing Committee appointed by the Conference, composed of three salaried Members of different nationality, which meets once a week. Each member takes charge of one or more branches of the work of the Bureau.²

(3) A Secretary General and personnel.³

MEMBERSHIP

The members are Argentina, Australia, Brazil, Burma, Canada, Chile, China, Cuba, Denmark, Dominican Republic, Finland, France, Germany, Greece, Guatemala, Iceland, India, Indonesia, Italy, Japan, Korea, Monaco, Netherlands, New Zealand, Norway, Pakistan, Phillipines, Poland, Portugal, Spain, Sweden, Thailand, Turkey, United Kingdom, United States, Uruguay and Yugoslavia.

MEANS OF FINANCIAL SUPPORT

Each member is required to subscribe a minimum of "two shares of 2000 gold francs." ⁴ Those which own 100,000 tons or more of shipping (navy and merchant marine) are required to contribute supplementary shares corresponding to their respective tonnage, in eight categories, up to a maximum of 15 shares.⁴

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The organization sends observers to certain conferences of the United Nations and its specialized agencies.

HEADQUARTERS

Its headquarters are at Quai des Etats-Unis, Monte Carlo.

¹ Id., Arts. 40, 48 and 51.

² Id., Arts. 18, 19.

³ Id., Art. 21.

⁴ Id., Art. 25.

INTERNATIONAL HYDROGRAPHIC BUREAU

STATUTES¹

1952 edition

I. CONSTITUTION

1. (a) The International Hydrographic Bureau is an organization founded in June 1921 and composed of a certain number of maritime states, called States Members, the admission and withdrawal of which are the subject of articles 13 and 15.

(b) It is administered by a Directing Committee consisting of three members of different nationality, the powers of which are described in articles 18 and 20. Their order of precedence and the method of their election are regulated by articles 51 and 52.

2. (a) The seat of the Bureau is in the Principality of Monaco.

(b) The languages used by the Bureau are English and French.

(c) Any State, if it considers it preferable, may make use of another language in its communications with the Bureau which, however, shall not be held responsible for any delay which may ensue if any such other language is used.

II. OBJECTS AND POWERS

3. The Bureau has as its objects:—

(a) To establish a close and permanent association between the hydrographic offices of its Members.

(b) To co-ordinate the hydrographic work of these offices with a view to rendering navigation easier and safer in all the seas of the world.

(c) To endeavor to obtain uniformity as far is possible in charts and hydrographic documents.

(d) To encourage the adoption of the best methods of carrying out hydrographic surveys.

(e) To encourage improvement in the theory and practice of the science of hydrography.

4. (a) The Bureau is a purely consultative agency; it has no authority over the hydrographic offices of States Members, which remain completely independent and retain absolute freedom and initiative.

(b) The Bureau shall not be concerned with matters involving questions of international policy.

¹ Published by the Bureau, Imprimerie Monégasque, Monte Carlo.

5. (a) The Bureau will satisfy, as far as possible, all requests for information or advice in connection with its work addressed to it by a Member.

(b) Questions which can be dealt with directly between two hydrographic offices should not, as a rule, be referred to the Bureau.

6. The Bureau shall keep itself in direct and close communication with the hydrographic and other scientific offices of the Members. It may communicate with such offices of other States also, at its discretion.

7. (a) The principal work which should be undertaken by the Bureau is the following:—

(1) Study of documents published by the various hydrographic offices.

(2) The drawing up and publication of various lists and the publication of other documents regarding which the International Hydrographic Conferences may decide.

(3) The study of methods of hydrographic surveying.

(4) The study of methods employed for the production of the results of surveys for publication.

(5) The study of the construction and use of hydrographic instruments and apparatus, the principles of which have been approved by any hydrographic office.

(6) The study of methods of recruiting and training personnel for surveying vessels and hydrographic offices.

(7) Research on any other matters relating to hydrography.

(b) Reports on the result of such study and research, which appear to be of general interest, shall be sent to the Members.

8. (a) For the purpose of carrying out the study and research referred to in article 7, the Bureau shall collect the latest editions of the charts and works published by the hydrographic and other offices of the Members relating to their own coasts and to those of their dependencies, and also such documents issued by the hydrographic and other offices of non-Member States which might prove useful to hydrography and navigation.

(b) To allow the Bureau to make up these collections, the hydrographic services of States Members shall send to it a copy of all necessary new publications and editions.

(c) The Bureau shall also collect:—

(1) Catalogues and index charts published by all countries.

(2) Papers published by the hydrographic and meteorological services of various countries, which may have a bearing on hydrography and navigation.

(3) Documents of general hydrographic character which are considered to be standard works.

9. The Bureau will distribute to the Members any useful information it receives on the subject of surveys or publications which have been carried out or published or are being prepared in the offices of the Members, whether such work be new or for the purposes of revision. As far as is possible, it will obtain such information from the hydrographic offices of other States and will publish it immediately.

10. The Bureau will bring to the notice of the hydrographic or other competent offices of the Members, hydrographic work of an international character and questions which are of general interest which it might be

useful to study or to undertake. It will do its best to cause such questions to be solved or such work to be executed by obtaining the necessary collaboration between the interested States.

11. The Bureau will, on request, tender its advice and assistance to those States which have not yet established a hydrographic office or whose hydrographic offices are not fully developed.

12. The Bureau shall give a considered opinion on all questions dealing with its work which are referred to it by conferences or by scientific institutions.

III. MEMBERSHIP

13. (a) Any maritime State may apply to be admitted as a Member of the Bureau.

(b) Any maritime State which desires to adhere as a Member shall make application for admission to the Bureau. The Directing Committee shall thereupon take steps to obtain the opinion of all the States Members. The consent of two-thirds of the number of members is necessary for the admission of such new Member.

(c) Any maritime State which has once been a Member of the Bureau shall have the full right to be readmitted as a Member provided the terms of article 15 have been complied with.

14. (a) The membership of any State which has not paid its contributions towards the upkeep of the Bureau (see articles 28 (b) et seq.) for two years shall be suspended and such State will not be accepted again as a Member until the outstanding contributions have been paid.

(b) As contributions are due prior to the 1st July of each financial year, suspensions effected in accordance with paragraph 14 (a) above will be announced as of the 1st July of the year in which the third year's contributions fall due, such suspension being retroactive to 1st January of that year, with the result that a State Member will be considered obligated to the Bureau for two years' contributions at the time of suspension.

(c) Any State Member which does not pay the full contribution due shall be given two years in which to make good the deficit, beginning with the first notice given by the Bureau; at the end of this period its membership shall be suspended until the balance due is received.

(d) In the event of a suspension under the terms of paragraph 14 (c), this will be announced and will become effective as of the 1st July of the year in which the partial obligation of a State Member is two years overdue.

15. Any Member who wishes to withdraw can do so by notifying the Bureau. The date of withdrawal shall be fixed as January 1st and at least one year's notice must be given; but the withdrawing State, by this act, shall abandon all its rights to the assets of the Bureau and to the benefit conferred by Membership. If its financial obligations to the Bureau are not settled before withdrawal, the withdrawing State may not again become a Member until the obligations have been settled.

16. For the purpose of correspondence with the Bureau the governments

of the Members will appoint official representatives who should be, for preference, the heads of the hydrographic offices (see article 36).

17. Any Member may temporarily attach to the Bureau an official for the purpose of obtaining information, and the Bureau shall give him every facility for his work. Such official shall not become a member of the personnel of the Bureau.

IV. ADMINISTRATION

A. Directing Committee

18. (a) The Directing Committee shall consist of three members of different nationality, one of whom shall act as President. Their order of precedence and the method of their election are regulated by articles 51 and 52.

(b) They should have had considerable sea experience and have great knowledge of practical hydrography and navigation.

(c) In the elections the technical acquirements only of the candidates should be taken into consideration. No particular rank or other standing is required of them.

(d) The Directing Committee shall be appointed for a period a five years except as mentioned in article 52 (c); they shall, however, be eligible for re-election at the end of each period.

(e) A Director, having been incapacitated for duty for six consecutive months, or for an aggregate of twelve months, if not consecutive, during his mandate, shall automatically cease to be a member of the Directing Committee.

(f) In every five years of service, each Director is entitled to three months' leave, exclusive of travel time, for the purpose of visiting his own country, and reasonable travelling expenses to and from his home or official residence shall be refunded to him.

(g) The duties of the Directing Committee conclude on the last day of the third month following that in which the new Committee has been elected.

(h) Each Director will be specially nominated to take charge of one or more branches of the work of the Bureau, but the Committee should deliberate on all the important questions dealing therewith.

19. The Directing Committee shall generally meet once a week. If only two Directors attend a committee meeting and a decision cannot be postponed to a full meeting, the vote of the President or of the acting president shall be preponderant.

20. (a) The Directing Committee has full power to contract, acquire, transfer, receive, and bring or defend actions at law, and compromise in the name of the Bureau.

(b) The Director acting as President of the Directing Committee represents the Bureau in law; the Secretary-General shall, under the supervision of the Directing Committee, represent the Bureau as far as concerns ordinary transactions.

(c) The Directing Committee can, by special resolution, nominate one

of its members, or any other members of the personnel of the Bureau, to represent it either in law or in ordinary transactions.

(d) The undertakings into which the Directing Committee, or any other representative of the Bureau nominated by it, may enter in this capacity cannot render them in any way personally responsible.

B. Secretary-General

21. (a) The Secretary-General shall be under the control of the Directing Committee.

(b) He should be familiar with hydrographic surveying and its methods, and should be well acquainted with the languages used by the Bureau.

(c) There are no restrictions as to his nationality except that laid down by article 51 (a).

(d) The Secretary-General, having been incapacitated for duty for six consecutive months, or for an aggregate of twelve months, if not consecutive, during his mandate, shall automatically cease to be Secretary-General.

(e) In every five years of service, the Secretary-General is entitled to three months' leave, exclusive of travel time, for the purpose of visiting his own country, and reasonable travelling expenses to and from his home or official residence shall be refunded to him.

(f) The Secretary-General shall be appointed for the same period as are the members of the Directing Committee (see article 18 (d) and (g)).

(g) He may be nominated as a candidate for the post of Secretary-General at the next election.

C. Personnel

22. The personnel of the Bureau shall be under the control of the Directing Committee. They shall consist of a certain number of technical assistants and technical and administrative employees.

23. The technical assistants and technical and administrative employees shall be selected and appointed as necessary, by the Directing Committee.

D. Finance

24. (a) The receipts of the Bureau and the salaries of the Directors, the Secretary-General and the staff shall be calculated on the basis of an international standard which is the gold franc⁽¹⁾.

(b) The contributions of the Members towards the upkeep of the Bureau shall also be based on this standard and they should be paid to the account of the Bureau at its banks.

25. The contributions of the Members shall be fixed by the following rules:—

(a) All tonnage mentioned is gross tonnage and vessels of over 200 tons only are taken into consideration.

¹ *Definition of the gold franc:* The value of the gold franc to be used by the Bureau shall be that as adopted by the International Monetary Convention, 1885, namely 1 gold franc = 0.290 322 58 gr. or 0.009 334 086 5 ounce troy of fine gold.

(b) For the purpose of obtaining the approximate gross tonnage of ships of war, this shall be taken as 6/7ths of the displacement tonnage.

(c) Each member shall subscribe two shares of 2000 gold francs; those which own 100 000 gross tons of shipping or more (navy and merchant marine) shall contribute supplementary shares of the same value in accordance with the following scale:

Gross Tonnage	Supplementary Shares	Gross Tonnage	Supplementary Shares
100 000 — 249 999	1	6 640 000 — 8 529 999	9
250 000 — 409 999	2	8 530 000 — 10 619 999	10
410 000 — 789 999	3	10 620 000 — 12 899 999	11
790 000 — 1 369 999	4	12 900 000 — 15 339 999	12
1 370 000 — 2 259 999	5	15 340 000 — 17 979 999	13
2 260 000 — 3 499 999	6	17 980 000 — 20 749 999	14
3 500 000 — 4 959 999	7	20 750 000 and above.	15(max.)
4 960 000 — 6 639 999	8		

26. (a) The tonnages taken for the purpose of determining the contributions of the States Members are given in appendix D of the *Year Book* (see article 36) which shall be brought up to date by the Bureau before each periodical Conference by the following procedure: the invitation prescribed by article 47 (a) shall contain a request for the revised tonnage figure for each Member as of January 1st of the year preceding that of the Conference. This figure should be sent to the Bureau with the list of subjects and questions to be discussed. The Bureau will add a statement of the new figures for appendix D to the schedule which is to be despatched to the Members 6 months before the proposed date of meeting of the Conference (see article 47).

(b) Should a State desire to become a Member of the Bureau it shall declare the amount of tonnage which flies its flag. The Bureau will announce this figure to the Members and enter it in appendix D of the *Year Book* (see article 36) as soon as the membership becomes definite. A State Member which wishes to amend the tonnage figure appearing in the table of tonnages shall give notice of the amended tonnage at least 6 months before the start of the next financial year (see article 28 (a)).

27. The Principality of Monaco enjoys a special treatment. In consideration of the fact that it provides the Bureau with premises free of charge, it shall not pay any contribution, but shall keep the votes to which it is entitled in accordance with article 50.

28. (a) The financial year of the Bureau coincides with the Gregorian calendar year.

(b) The contributions should be paid by each member within the first 6 months after the commencement of the Bureau's financial year.

(c) The rate of exchange allowed should be that on the date of despatch of the contribution of the State Member, which date must be notified immediately to the Bureau.

29. A State which is admitted as a Member of the Bureau before the 1st July in any year shall make a full year's contribution and, if on or after

the 1st July, shall make a half year's contribution as established by the scale shown in article 25 (c).

30. The Bureau is authorized to accept donations or subventions but solely for the purpose of executing certain specified work in accord with its objects and its attributions. The decision as to the acceptance of any gift is left to the judgment of the Directing Committee.

31. (a) The annual salaries of the Members of the Directing Committee and Secretary-General shall be:—

For each of the three Directors	35 000 gold francs
For the President of the Directing Committee, an allowance of	4 200 —
For the Secretary-General	21 900 —

Should the holder of the post of Secretary-General be selected for a second period, his annual salary shall be increased by 1 000 gold francs from the date when he takes up the duties of his new mandate, provided that he has held the first mandate not less than $2\frac{1}{2}$ years.

If the same holder is selected for a third period, the sum of 1 000 gold francs will be added during this mandate to the salary which he received annually during his previous mandate.

Should the holder be selected for more than three successive periods, his salary shall be at the rate of 23 900 gold francs per annum during his fourth and further periods.

(b) The salaries of the personnel of the Bureau shall be decided by the Directing Committee.

32. (a) All salaries shall be paid monthly in arrears.

(b) Should a Director or the Secretary-General resign with the approval of the Directing Committee, or should he die during his tenure of office, his salary will be paid in full to the end of the month in which his resignation or death took place.

33. (a) All funds of the Bureau shall be under the control of the Directing Committee.

(b) No expenditure exceeding 100 gold francs shall be incurred without the approval of one of the Directors; before payments exceeding 1 000 gold francs are made, the approval of the Directing Committee must be obtained.

(c) A reserve fund to meet extraordinary expenditure shall be formed. The amount of this fund shall be decided by the periodical Conferences.

(d) A retirement fund for the personnel shall be formed. The sums set aside for the constitution of this fund in accordance with the provision of the staff regulations shall be earmarked for the service of the retirement grants, and as a guarantee therefor, and thus may not be employed, even temporarily, for any other purpose. These grants shall not be subject to seizure by any creditor nor shall they be deposited with any person as security.

(e) A death and invalidity fund will also be formed to provide special grants in cases of illness of a member of the personnel or his dependants, in accordance with local laws, and of death or of retirement through invalidity of a member of the personnel, as detailed in the staff regulations.

34. (a) Actual travelling expenses and an allowance for change of residence will be paid to the Directors and the Secretary-General when they first take up and when they relinquish their appointments, provided that in the latter case this is done with the approval of the Directing Committee or by a decision of a Conference; if otherwise, it shall be left to the Directing Committee to decide whether compensation for expenses shall be paid.

(b) Should a Director or the Secretary-General be absent on duty from the seat of the Bureau, actual travelling expenses and a subsistence allowance will be paid.

(c) The change of residence and subsistence allowances shall be calculated on scales drawn up by the Directing Committee.

(d) In the case of the death of a Director of the Secretary-General, the change of residence allowance to which he would have been entitled may be paid to his widow or legal representative at the discretion of the Directing Committee.

V. PUBLICATIONS

35. (a) At the beginning of each year the Bureau will publish an annual report on its work and finance.

(b) Three months before the termination of its financial year the Bureau shall draw up and publish estimates of receipts and expenditure for the following year with all necessary explanations.

36. The Bureau will publish a *Year Book* giving all necessary information on the hydrographic offices of the various States, so far as this can be obtained.

The addresses of the official representatives through whom the Bureau is authorized to correspond with the governments of the States Members (see article 16) shall be included in the *Year Book*.

The *Year Book* shall include the following appendices:—

(A) A list of States which were Members of the Bureau at the time of its creation in June, 1921.

(B) A list of States which have joined the Bureau subsequent to its foundation.

(C) A list of States which have withdrawn from the Bureau.

(D) A table of tonnages of the States Members (articles 25 and 26).

(E) A table showing the shares, contributions and votes of the States Members (articles 25, 26 and 50).

37. (a) The Bureau will edit two periodical publications, namely the *International Hydrographic Review* and the *International Hydrographic Bulletin*.

(1°) In the *International Hydrographic Review* are inserted articles about hydrography and sciences allied to hydrography, and on all other subjects of general interest relating to the Bureau and to the various hydrographic offices.

(2°) In the *International Hydrographic Bulletin*, which appears more frequently than the *International Hydrographic Review*, matters of the moment are dealt with and information of a temporary or urgent nature is given. The *Bulletin* is intended to enable States Members to follow the activities of the Bureau and to make for closer collaboration between

the Hydrographic offices, for which purpose information regarding work carried out and projected by them each year will be included, as far as possible.

(b) The Bureau also edits special publications on technical subjects of interest to hydrographic offices.

38. As far as possible the Bureau will collect complete information on the subjects of the history, the organization and the work of the hydrographic offices, and will publish such information in the *International Hydrographic Review*.

39. The Directing Committee will determine the sale prices of the publications, but copies thereof will be supplied gratis, as far as possible, to Members.

VI. INTERNATIONAL HYDROGRAPHIC CONFERENCES

40. The delegates of the Members shall meet in conference as a general rule every five years, and the Directing Committee and Secretary General will be at the disposal of the Conference.

41. (a) On the initiative of either a Member or the Directing Committee a supplementary Conference may be held at any time if the majority of the Members considers this necessary.

(b) These supplementary Conferences will not involve any change in the Directing Committee or of the Secretary General, unless this subject is specially brought forward for consideration.

42. The languages used at the Conferences shall be English, French and Spanish.

43. (a) The Bureau will arrange the holding, and organize the meetings, of International Hydrographic Conferences; these will be held at Monaco unless advantageous invitations to hold them elsewhere are received.

(b) It will invite the Members to appoint delegates to a Conference and will submit, for their approval, invitations to other non-Member States to do likewise. No such proposed invitation will be despatched unless it is agreed to by at least two-thirds of the number of Members.

44. (a) Each Member should send, if possible, two or more delegates to the periodic Conferences; these delegates should be qualified specialists and one of them should be, for preference, the head of the hydrographic office.

(b) At supplementary Conferences the number and qualifications of the delegates will depend on the object or objects for which the Conference is convoked.

45. (a) Each State shall defray the expenses of its own delegation and in no case shall these be chargeable to the funds of the Bureau.

(b) Should the Bureau not be in a position to meet all the expenses of a Conference, the Members shall be liable for the balance in proportion to their annual contributions.

46. Periodic Conferences will specially examine the reports of the Bureau as to its work and its finance since the last Conference. For this purpose, in their early stages, small committees will be nominated, the conclusions

of which will be submitted to the appropriate plenary session of the Conference.

47. (a) Twelve months before the proposed date of meeting of each periodic Conference, the Bureau will invite Members to propose lists of subjects and questions to be discussed, with explanatory notes. On receipt of these, the Bureau will prepare a schedule thereof and shall include a list of subjects and questions proposed by the Directing Committee, with explanatory notes. This schedule, together with the report on the work of the Bureau and its finances since the last Conference, mentioned in article 46, shall be despatched to the Members six months before the proposed date of meeting.

(b) No subject which is not included in the final schedule shall be discussed unless it is proposed by at least three of the delegations of the States Members; the President of the Conference must be notified in writing not less than twenty-four hours beforehand of the intention to introduce such subject.

48. (a) Each Member has one vote only on all questions submitted to Conferences; the only exceptions to this are those which are laid down in articles 50, 51 and 52.

(b) A State which is not a Member, and is represented at a Conference, shall not have the right to vote on any question, the delegation being invited to take part in a Conference in a consultative capacity and as an observer only.

49. (a) All decisions will rest with the majority of votes cast, with the exception of those referred to in articles 51 and 56.

(b) Where voting for and against is evenly divided, the President of the Conference shall be empowered to make a decision, except in the case of articles 51 and 56.

50. The votes of the Members on the elections of the Directing Committee and Secretary General shall be fixed by the following:—

(a) All tonnage mentioned is gross tonnage and vessels of over 200 tons only are taken into consideration.

(b) For the purpose of obtaining the approximate gross tonnage of ships of war, this shall be taken as 6/7ths of the displacement tonnage.

(c) Each Member shall have two votes; those which own 100 000 tons of shipping (navy and merchant marine) or more shall have supplementary votes in accordance with the following scale:

Gross tonnage	Supplementary votes
100 000 — 499 999	1
500 000 — 1 999 999	2
2 000 000 — 7 999 999	3
Above 8 000 000	4

Paragraphs 26a and 26b refer.

(d) To become effective in the election for the Directors and Secretary General, alterations which should be made in appendices D and E by the adhesion of new Members must reach the Directing Committee at least ten days before the opening date of a conference.

51. The elections of the Directing Committee and the Secretary-General will be held by secret ballot at the end of the Conference, and the procedure described in the paragraphs below shall be followed.

(a) Each Member shall send to the Bureau two lists of names of candidates. The first list shall include the names for the directorship and the second list those for the secretary-generalship. The candidates may be of the nationality of any State Member.

The names of the candidates and statements of their services should be communicated so as to reach the Bureau three months before the opening of the Conference and new candidatures should be allowed at the latest ten days before the Conference opens. They should be promulgated (with statements of services) as soon as received by the Directing Committee.

(b) The name of each candidate shall be accompanied by a note giving his title to the position for which he is a candidate. To compare the qualifications of the various candidates more easily, the statements of services shall be compiled in a uniform manner as follows:—

1. Name.
2. Nationality.
3. Date of birth.
4. Education (period, including specialized or special qualifications).
5. Posts (period, past and present).
6. Promotions.
7. Titles and decorations.
8. Scientific societies (member of, past and present).
9. Special expeditions.
10. Research work and awards.
11. Publications of which author.
12. Languages (speaking and reading knowledge)
13. Service:

(a) Sea service:

1. Home waters (period of time);
2. Foreign waters (period of time).

(b) Shore service (period of time).

Total time of services.

(Signature of candidate and of forwarding authority.)

(c) If a Member does not wish to submit any candidates for election, two lists marked *nil* should be forwarded.

(d) The Bureau will then collate the names sent by the States Members and present them to each delegation at the opening of the Conference with copies of notes referred to in paragraph *b* of this article.

(e) For the purpose of electing the Directing Committee, the delegation of the States Members will inscribe on a number of voting papers equal to the number of votes to which each is entitled (see article 50) the names of only those three candidates for whom they wish to vote as the three directors.

(f) The three candidates inscribed on each of the voting papers must be of different nationality.

(g) Any voting paper not completed in strict accordance with paragraphs *a* and *f* will be nullified.

(h) The three candidates of different nationality receiving the largest number of votes will be considered elected as Directors.

(i) In the event of a tie vote which makes impossible the determination of the three candidates who have obtained the largest number of votes, a new ballot, limited in candidacy to those whose number of the received votes is equal to the number of votes actually cast for the third place, will be held to determine the relative positions only of such candidates.

(j) When the three Directors have been elected as prescribed above, a separate election will be held to determine their precedence as directors. For this purpose, the delegates will inscribe, on the prescribed number of voting papers, only the name of the elected Director for whom they wish to vote for the presidency. Based on the votes actually received by each candidate for the presidency, the seniority of the Directors will be determined, that is, the one receiving the most votes for president will be elected President, the one receiving the second highest number of votes for president will be the No. 2 Director, and the one receiving the least votes for president will be the No. 3 Director.

(k) Should the above vote result in a tie for any position, a second vote to determine the seniority of those who have received an equal number of votes will be held.

(l) The President of the Conference will then invite the newly elected Directors to take up their appointments on the first day of the fourth month following that in which they were elected.

(m) For the election for the post of Secretary-General the same procedure shall be carried out as for the election of the Directors, but with the difference that only one candidate has to be elected and therefore the delegations of the States Members will inscribe, on the prescribed number of voting papers, only the name of one candidate for whom they wish to vote as the Secretary-General.

(n) The members of the Directing Committee and the Secretary-General are eligible for reelection.

VII. DECISIONS DURING THE PERIOD BETWEEN CONFERENCES

52. If, between Conferences, a vacancy occurs in the Directing Committee or in the post of Secretary-General, the bye-election for the purpose of filling the vacancy shall be conducted by letter unless, in the opinion of the Directing Committee, the near approach of a Conference makes this unnecessary.

(a) The Bureau will invite the Members to send lists of candidates and notes of their services in accordance with paragraphs *a*, *b* and *c* of article 51; on receipt of these, a similar procedure to that laid down in that article will be carried out.

(b) On completion of the procedure mentioned in paragraph *a*, the Bureau will make a report immediately, and this shall be sent to each

Member. It will then invite the elected candidate to take up his appointment.

(c) When a Director or the Secretary-General has been elected to fill a vacancy, his appointment shall terminate at the period when that of his predecessor would have terminated had he retained his post.

(d) His salary shall be paid as from the first day of the month in which he takes up his appointment.

(e) A Director elected to fill a vacancy will take precedence after the other Directors.

53. (a) The Directing Committee shall make the necessary decisions with reference to questions which arise during the period between Conferences, except as to those specially provided for in the Statutes.

(b) Should the Directing Committee consider, however, that any question should be referred to the States Members for solution, it shall refer the question by circular letter to the representatives thereof requesting them to ascertain and forward to the Bureau the wishes of their government.

(c) On such questions each State shall have one vote only, provided for in article 48 (a), and the provision of article 49 (a) shall apply. If the voting for and against is evenly divided, the question shall be deferred for discussion at the next Conference.

(d) In case where circumstances do not allow the procedure laid down in the Statutes to be followed, the Directing Committee shall make the necessary decisions, but, if this is done, it shall make immediate report to the Members.

VIII. SUPPRESSION OF THE BUREAU

54. The Bureau may be suppressed by decision of a conference. The suppression of the Bureau having been decided upon, the procedure described in the paragraphs below shall be followed.

(a) The staff shall be reduced to a minimum and each employee shall, on the day of the termination of his services, receive the sums due to him in accordance with the staff regulations, either as payment in lieu of notice or as a balance from the retirement fund or in any other manner. The rights of the employees with respect to the funds of the Bureau shall be privileged.

(b) The Directing Committee shall be responsible for the liquidation of the affairs of the Bureau. Their salaries and that of the Secretary-General shall be paid to the last day of the third month succeeding that in which suppression was decided upon.

(c) Should it be impossible to complete the liquidation within this period, the President will conclude this in the shortest time possible and the payment of his salary shall be continued until the end of the month in which the liquidation is completed, but not later than the last day of the sixth month succeeding that in which the suppression was decided upon.

(d) Members who have not paid their full contributions, or who are

debtors to the Bureau on any other account, will be debited with the amounts due.

(e) The balance of the accounts of the Bureau shall be divided amongst the actual Members at the moment when the suppression is decided upon.

IX. TEXT OF THE STATUTES

55. These Statutes shall be drawn up in English and French; should any divergence be found in the meaning of the two texts, the Directing Committee will decide on the precise interpretation.

56. Changes in the text of these Statutes may be made by both supplementary and periodic Conferences, or in the circumstances mentioned in article 53 (d). Such changes must receive the approval of at least two-thirds of the number of Members.

The new text shall come into force as soon as approved by a plenary session of a conference (unless otherwise decided by the Conference) or, in the circumstances mentioned in article 53 (d), two months after the date of the circular letter announcing the adoption of this new text.

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INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This Institute was founded at Rome in April 1926 by an agreement between the Italian Government and the Council of the League of Nations and was inaugurated on May 30, 1928.

In 1939, the Governing Council, feeling the importance of continuing the work already undertaken by the Institute, although the agreement between the League of Nations and the Italian Government had been denounced, studied the possibility of reorganizing the Institute on a new basis as an Inter-Governmental Body. The Governing Council drafted a proposed revised Statute which was approved by the Council in Florence in May 1939.

The Italian Government accepted the proposal of the Council and invited the Governments of certain States which were members of the League of Nations and also some other Governments to communicate their acceptance of the new proposed Charter of the Institute.

The present Statute came into force on April 21, 1940, in accordance with Article 21 which provides that it should enter into force when six governments notified their adherence to the Italian Government.

Adherence to the Statute is given for a period of six years, subject to "tacit renewal" for further periods of 6 years unless explicitly denounced with a year's notice.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purpose of the Institute is to study methods for the harmonization and co-ordination of private law as between States or groups of States and to attempt to prepare for a gradual adoption by the various states of uniform private law legislation.²

¹ Constitution, Art. 20.

² Id., Art. 1.

ORGANS

The organs are:

(1) A General Assembly, composed of one representative of each participating government, which meets once a year.¹

(2) A Board of Governors, composed of the President and 10 to 14 members appointed by the General Assembly. The President is appointed by the Italian Government.²

(3) A Permanent Committee, composed of the President and four members appointed by the Directing Council from among its members.³

(4) A Secretary-General.⁴

MEMBERSHIP

The members are Austria, Belgium, Bolivia, Brazil, Bulgaria, Chile, Colombia, Cuba, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, India, Iran, Ireland, Israel, Italy, Japan, Lebanon, Luxembourg, Mexico, Netherlands, Nicaragua, Norway, Paraguay, Portugal, Roumania, San Marino, Spain, Sweden, Switzerland, Turkey, United Arab Republic, United Kingdom, Uruguay, Vatican City, Venezuela and Yugoslavia.

MEANS OF FINANCIAL SUPPORT

The Institute is supported by a subsidy from the Italian Government, which also supplies the premises. It also receives voluntary contributions from other member states.⁵

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It collaborates with the United Nations, the United Nations Economic and Social Council and the Council of Europe.

HEADQUARTERS

Its headquarters are at 28, Via Panisperna, Rome.

¹ Id., Art. 5. ² Id., Art. 6. ³ Id., Art. 7. ⁴ Id., Art. 8. ⁵ Id., Art. 16.

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

CONSTITUTION

March 15, 1940

Art. 1. The object of the International Institute for the Unification of Private Law is to examine ways of harmonizing and co-ordinating the private law of states and of groups of states, and to prepare gradually, for adoption by the various states, a set of uniform rules in the field of private law.

In furtherance of this aim the Institute will:

(a) prepare drafts of laws and conventions with the object of establishing uniform internal law;

(b) prepare drafts of agreements with a view to improving international relationships in the field of private law;

(c) undertake studies in comparative private law;

(d) take part in schemes already undertaken in any of these directions by other organisations with which contact can be maintained;

(e) organize conferences and publish works considered worthy of a wide circulation.

Art. 2. The International Institute for the Unification of Private Law is an international body responsible to the participating Governments.

The participating Governments are those which accept the present constitution in accordance with Article 20.

Art. 3. The International Institute for the Unification of Private Law shall have its headquarters in Rome.

Art. 4. The Institute shall have

(1) a General Assembly;

(2) a President;

(3) a Board of Governors;

(4) a Permanent Committee;

(5) a Secretariat.

Art. 5. The General Assembly shall consist of one representative from each of the participating Governments. Governments, other than the Italian Government, shall be represented by their diplomatic representatives to the Italian Government or by their deputies.

The Assembly shall be called to an ordinary meeting in Rome by the President at least once a year. It shall approve a program of work for the Institute to be laid before it by the Board of Governors.

Art. 6. The Board of Governors shall consist of the President and between ten and fourteen members.

The President shall be appointed by the Italian Government.

The members shall be appointed by the General Assembly.

The President and members of the Board of Governors shall hold office for a term of five years which shall be renewable.

A member of the Board of Governors who is appointed to the place of a member whose term of office has not been completed shall take over the term of his predecessor.

Each member can, with the consent of the President, choose another person to act as his representative.

The Board of Governors has power to ask representatives of international institutes and organisations to take part in its meetings, in an advisory capacity, whenever the work of the Institute deals with subjects which are the concern of those institutes or Organisations.

The Board of Governors shall be summoned by the President whenever he shall deem it to be worth while and in any case once a year.

Art. 7. The Permanent Committee shall comprise the President and four members nominated by the Board of Governors from among its own members.

Members of the Permanent Committee shall be elected for five years and be eligible for re-election.

The Permanent Committee shall be summoned by the President whenever he shall deem it to be worth while and in any case once a year.

Art. 8. The Secretariat shall consist of a Secretary-General appointed by the Board of Governors on the nomination of the President, two Assistant Secretaries General of different nationalities both appointed by the Board of Governors, and the officers and employees provided for in the rules governing the direction of the Institute and its internal economy in accordance with Article 17.

The Secretary-General and his Assistants shall be appointed for a period of five years and shall be re-eligible for appointment.

If the Secretary-General and his Assistants are of foreign nationality they shall enjoy, in the exercise of their functions, the privileges and immunities of diplomatic representatives.

The Secretary-General of the Institute shall be by virtue of his office, Secretary of the General Assembly.

Art. 9. The Institute shall maintain a library under the management of the Secretary-General.

Art. 10. The official languages of the Institute shall be English, French, German, Italian and Spanish.

Art. 11. The Board of Governors shall advise on the methods of carrying out the aims set out in Article 1.

It shall determine the subjects to be studied by the Institute.

It shall approve the annual report of the Institute's activities.

It shall approve the annual statement of receipts and expenses and shall draw up a budget.

Art. 12. All participating Governments, as well as international organisations of an official nature, shall be able to set before the Board of Governors proposals with a view to the study of questions relating to the unification, harmonization or co-ordination of private law.

Any international institute or association, the aims of which are the

study of legal questions, may put before the Board of Governors suggestions concerning studies to be undertaken.

The Board of Governors shall decide any action to be taken on proposals and suggestions made in this way.

Art. 13. The Board of Governors may refer particular problems for examination by a committee of jurists who have specialized knowledge of those problems.

The committees shall, as far as possible, have a member of the Board of Governors as chairman.

Art. 14. When the study of problems that have been taken up has been completed, the Board of Governors shall, if it thinks fit, approve any drafts to be submitted to Governments.

It shall send such drafts to the participating Governments or to the institutes, organizations or associations which made the proposals or suggestions, as the case may be, asking them for their opinion on the opportuneness and the basis thereof.

According as to the nature of the answers received, the Board of Governors shall, if it thinks fit, approve final drafts.

It will send these to the Governments or to the institutes or associations which made the proposals or suggestions.

The Board of Governors shall determine the best way of summoning a Diplomatic Conference to examine the Drafts.

Art. 15. The executive powers of the Institute shall be vested in the Board of Governors.

Art. 16. The annual expenses of the administration of the Institute and the cost of its upkeep shall be met by the income envisaged in the budget of the Institute which shall consist chiefly of an overall annual subsidy from the Italian Government, which it has announced will be a fixed sum of a million Italian lires;¹ to this will be added the voluntary contributions which member Governments may from time to time allow to the Institute.

Such buildings as are necessary to the running of the Institute will be put at the disposal of the Board of Governors by the Italian Government.

Art. 17. Rules governing the direction of the Institute, its internal economy and the status of its employees shall be laid down by the Board of Governors and must be approved by the General Assembly and communicated to the Italian Government.

Travel and accommodation expenses incurred by members of the Board of Governors and by committees engaged on studies, as well as the salaries of the staff of the Secretariat and any other administrative expenses shall be met out of the Institute's budget.

The Board of Governors shall on the nomination of the President appoint an Auditor who shall be responsible for all the Institute's financial matters.

The Italian Government shall not be liable for any liability, financial or otherwise, arising from the administration of the Institute, nor for any civil liabilities arising from its functioning, especially with regard to the employees of the Institute.

¹ Such contribution has been increased to 31 million lres since July 1st, 1949.

Art. 18. The Italian Government's promise of a yearly subsidy and of buildings for the Institute, as set out in Article 16, is made for a period of six years. It will continue to be effective for a further period of six years if the Italian Government has not informed the other participating Governments of its intention of withdrawing its support at least two years prior to the end of the current period. In such event the President shall call a meeting of the General Assembly and if need be an extraordinary meeting.

If the General Assembly should decide to wind up the Institute, it shall be the duty of the General Assembly to take all necessary measures with regard to the property the Institute has acquired in the course of its existence, especially the archives and the collection of documents, books or periodicals.

It is understood that, should there be such a winding up, the lands, buildings and movables that have been put at the disposal of the Institute by the Italian Government would be returned to that Government.

Art. 19. Amendments to this constitution, passed by the General Assembly, shall come into force when approved by a majority of two thirds of the participating Governments.

Each Government shall notify its approval in writing to the Italian Government which will inform the other Governments and the President of the Institute.

Any Government which has not approved an amendment to the constitution shall have the option of withdrawing from membership at any time within six months of the coming into force of the amendment. The withdrawal shall have effect from the date on which the Italian Government is informed, and notice will be given by the Italian Government to the other participating Governments and to the President of the Institute.

Art. 20. Any Government intending to accept this Constitution shall give to the Italian Government notice of its acceptance by writing.

Participation shall be for six years and will be impliedly renewed for further periods of six years unless withdrawal is declared in writing at least a year before the end of any period.

Participation and withdrawal shall be communicated to the participating Governments by the Italian Government.

Art. 21. This constitution shall come into force as soon as six Governments have notified the Italian Government of their acceptance.

Art. 22. This constitution, which bears the date 15 March 1940, shall be placed in the archives of the Italian Government. Certified copies of the text will be sent by the Italian Government to each of the participating Governments.

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Unification du droit. (A general survey of work for the unification of private law—*L'*drafts and conventions) Rome: Editions Unidroit; 1948 (bibliog. notes)

INTERNATIONAL INSTITUTE OF REFRIGERATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Institute of Refrigeration was set up under a Convention adopted on June 21, 1920, and revised on May 31, 1937. The Convention presently in force was signed at Paris on December 1, 1954.

Members may withdraw or be placed in a lower category of financial contribution by giving one year's notice.¹ Members may also transfer their rights to a competent association or organization.²

FUNCTIONS AND POWERS OF THE ORGANIZATION

The aims of the Institute are, in respect of refrigeration in the international field, to promote scientific research and technical and economic studies, to collect information, laws and regulations, to further the development of the use of refrigeration and to make recommendations to governments for the improvement and unification of laws and regulations.³

ORGANS

The organs are:

(1) A General Conference, composed of representatives of members in accordance with categories, meeting every four years.⁴

(2) An Executive Committee, composed of one delegate for each country with a system of weighted voting, meeting once a year.⁵

(3) A Management Committee, composed of the President of the Executive Committee, three members elected by the Executive Committee and three members elected by the Technical Board for terms of four years.⁶

(4) A Technical Board composed of a President, one to three vice-presidents and the presidents and vice-presidents of the Commissions.⁷

(5) A Director and Staff.⁸

¹ Agreement, Art. 5.

² Id., Art. 6.

³ Id., Art. 2.

⁴ Id., Art. 11.

⁵ Id., Art. 14.

⁶ Id., Art. 16.

⁷ Id., Art. 17.

⁸ Id., Art. 20, 21.

MEMBERSHIP

Its members are Argentina, Australia, Belgium, Brazil, Canada, Czechoslovakia, Denmark, Finland, France and Algeria, French Community Republics, Germany, Greece, Hungary, Indonesia, Israel, Italy, Japan, Morocco, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Roumania, Spain, Sweden, Switzerland, Tunisia, Union of South Africa, United Kingdom, the United States, U.S.S.R., Vietnam.

MEANS OF FINANCIAL SUPPORT

It is supported by contributions of members in accordance with a scale of 6 categories, ranging from 800 to 9600 gold francs.¹ It also has receipts from the sale of publications and donations.¹

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has liaison with the Food and Agriculture Organization.

HEADQUARTERS

Its headquarters are at 177, Boulevard Malesherbes, Paris 17e.

¹ *Id.*, Art. 24, 26.

AGREEMENT concerning the INTERNATIONAL INSTITUTE OF REFRIGERATION

December 1, 1954

The Governments of the Member Countries of the International Institute of Refrigeration;

Whereas the science of low temperatures is constantly developing thus opening new prospects of progress and human welfare;

Whereas the uses of refrigeration are being extended to new fields;

Whereas the exchange of perishable foodstuffs among the nations of the world is increasing thus permitting more effective international solidarity on matters of nutrition but making necessary the extended use of refrigeration for the treatment and preservation of these foodstuffs;

Considering that the Convention of 21st June 1920, as modified on 31st May 1937, creating the International Institute of Refrigeration does not completely correspond to the new scientific and technical demands arising from this situation nor to present-day economic conditions;

Have agreed as follows:

SECTION I

AIM – TITLE – SEAT – FUNCTIONS

Aim, title, seat.

Art. 1. 1. The Contracting Parties resolve to collaborate closely in the study of scientific and technical problems relating to refrigeration and in the development of the uses of refrigeration which improve the living conditions of mankind.

2. To this end they undertake to maintain and support the International Institute of Refrigeration hereinafter referred to as the "Institute" of which the seat is in Paris.

Functions

Art. 2. The objectives of the Institute, in respect of all matters relating to the study, production and use of refrigeration in the international field, are the following:

(a) to further in the different Member Countries the development of scientific research and promote technical and economic studies on the national and international level;

(b) to collect scientific, technical and economic information and documents as well as texts of laws and regulations;

(c) to further the teaching and popularization of science and technology;

(d) to publish such studies and documents the issue of which may be useful;

(e) to further the development of the uses of refrigeration particularly in the field of food and agriculture, in industry and in the domain of health and hygiene;

(f) to make recommendations to Governments or international Organisations, and in particular, to propose measures for the improvement and unification of laws and regulations;

(g) to keep in touch with the interested national and international bodies with a view to carrying out its program of activities;

(h) to organise International Congresses;

(i) and, in general, to take all steps aimed at promoting the principle and uses of refrigeration.

SECTION II

MEMBERS

Member Countries, admission to membership

Art. 3. The Institute is composed of the following Member Countries which enjoy the rights and which are subject to the obligations laid down by this Agreement:

(a) the Contracting Parties;

(b) the Territories the Contracting Parties notify at the time of signature of the present Agreement and which appear in the appended list;

(c) Countries which are not parties to the present Agreement if such Countries accede to this Agreement and if their admission is accepted by the Executive Committee;

(d) Territories not included in the appended list, if notified to the Institute by the Contracting Party responsible for their international relations and if their admission is accepted by the Executive Committee.

Categories of Member Countries

Art. 4. 1. In order to enable Member Countries to participate in the Institute according to the extent of their economic activity and the interest which they have in the problems of refrigeration, provision has been made for six categories of Member Countries. These categories are mainly characterized by the amount of the financial contribution, by the number of votes and by the number of publications received free of charge.

2. Each Member Country decides the category in which it wishes to be placed.

Withdrawal, change of category

Art. 5. Each Member Country has the right to withdraw from the

Institute or to be placed in a lower category by giving notice of at least one year. Transfer into a higher category may be made at any time on payment of the appropriate supplementary contribution.

Transfer of rights and obligations to a competent association or organization

Art. 6. Member Countries may, upon their own responsibility transfer all or some of their rights and obligations in respect of the Institute to a competent association or organization.

Liaison with National Groups

Art. 7. Each Member Country shall endeavor to associate with the work of the Institute, the principal scientific, technical, cultural or professional bodies concerned with questions of refrigeration.

Honorary Membership

Art. 8. In exceptional cases, persons who have played an outstanding part in the science of refrigeration and in the industries connected with refrigeration and benefactors of the Institute may, upon the decision of the Executive Committee, receive the title of Honorary Member of the Institute.

Associate Membership

Art. 9. 1. Qualified individuals, firms and institutions taking part in the development of the science of refrigeration or of the industries connected with refrigeration, and making a periodic contribution, the amount and method of payment of which are laid down by the Management Committee, may, upon the decision of this Management Committee, be nominated as "Associate Members" of the Institute.

2. Associate Members are entitled to receive the Institute's journals, to participate in the work of the Commissions and Congresses and to consult the Institute's library in accordance with the provisions set out in the General Regulations for the application of the present Agreement.

SECTION III

ORGANS AND PROCEDURE

General Conference

Powers of the General Conference

Art. 10. 1. The Institute is placed under the authority and control of a General Conference.

2. The General Conference has the following principal powers:

(a) to issue general instructions for the procedure and work of the Institute;

(b) to draw up General Regulations for the application of the present Agreement setting forth in particular the method of applying the various articles of this Agreement, the Staff Regulations and the rules of procedure of the General Conference;

(c) to elect the President and the Vice-Presidents of the Executive Committee;

(d) to elect the President and the Vice-Presidents of the Technical Board and the Presidents and Vice-Presidents of Commissions who are the other members of the Technical Board.

Composition and procedure of the General Conference

Art. 11. 1. The General Conference is composed of representatives designated by the Member Countries or by competent associations or organizations acting in place of the Member Countries.

2. The number of representatives from each Member Country is fixed at:

6 for category 1		
5	—	2
4	—	3
3	—	4
2	—	5
1	—	6

3. Representatives who are prevented from attending a meeting are entitled to appoint as proxy one of their colleagues at the General Conference.

4. An ordinary session of the General Conference is held once every four years. It may, if it so decides or the Executive Committee requests, meet in extraordinary session.

5. Resolutions of the General Conference are passed by a two-thirds majority of the total number of representatives or substitute representatives present. However, for the election of its President, for the election of the President and the Vice-Presidents of the Executive Committee and for the election of the Members of the Technical Board a simple majority of representatives or their proxies is sufficient, the President having the casting vote in the case of a tie.

6. The Director is *ex officio* Secretary of the General Conference.

President of the General Conference

Art. 12. 1. An ordinary session of the General Conference opens with the election of its President.

2. The same President cannot be elected for more than two terms in succession.

3. If the President is prevented from presiding over a meeting, his place is taken by the President or by a Vice-President of the Executive Committee.

4. The President of the General Conference is invited to meetings of the Executive Committee, of the Technical Board and of the Management Committee and attends such meetings in an advisory capacity.

Executive Committee
Powers of the Executive Committee

Art. 13. The executive powers of the Institute are entrusted to an Executive Committee:

(a) it is the duty of the Executive Committee to enforce the instructions issued by the General Conference;

(b) the Executive Committee has full control over the administration of the Institute;

(c) it appoints the Director by secret ballot;

(d) it approves the budget;

(e) it approves agreements to be concluded with other organizations;

(f) it makes all the general arrangements necessary for the running of the Institute;

(g) it nominates delegates to the Management Committee;

(h) moreover, in the intervals between the sessions of the General Conference it is empowered to take provisional decisions on matters within the province of the General Conference, such provisional decisions to be submitted to the General Conference for ratification at its next session.

Composition and procedure of the Executive Committee

Art. 14. 1. The Executive Committee is composed of delegates appointed by the Member Countries or by competent associations or organizations acting in place of the Member Countries, each country being represented by one person.

2. Each Member Country or competent association or organization can also appoint a substitute delegate.

3. Each delegate on the Executive Committee has as many votes as the Member Country which he represents has representatives at the General Conference.

4. The President of the General Conference, the President and the Vice-Presidents of the Technical Board and also the Presidents of the Commissions are invited to meetings of the Executive Committee and they attend such meetings in an advisory capacity.

5. The Executive Committee holds one ordinary meeting each year. Extraordinary meetings are called at the instigation of its President or at the request of the Management Committee.

6. Resolutions of the Executive Committee are passed by a two-thirds majority of the votes of the delegates or substitute delegates present. In the case of the appointment of the Director if his election is not secured after two votes have been taken, a simple majority is sufficient. The other elections for which the Executive Committee is responsible are decided by a simple majority. In case of a tie, the President has the casting vote.

7. The Director is *ex officio* Secretary of the Executive Committee.

8. When necessary, the Executive Committee draws up its own rules of procedure within the framework of the Agreement and of the General Regulations.

President and Vice-Presidents of the Executive Committee

Art. 15. 1. The President of the Executive Committee and the Vice-Presidents numbering from three to six, are elected at the General Conference at its ordinary session.

2. The President and the Vice-Presidents cannot be elected to the same office for more than two consecutive terms.

3. If the President or a Vice-President ceases to be a delegate to the Executive Committee or resigns before a four-year period expires, the Executive Committee, appoints a successor at its following meeting, the powers of this successor expiring at the end of the current period of four years.

4. The President and the Vice-Presidents of the Executive Committee are invited to the meetings of the Technical Board and attend such meetings in an advisory capacity.

*Management Committee**Powers, composition and procedure of the Management Committee*

Art. 16. 1. It is the duty of the Management Committee in the interval between meetings of the Executive Committee and in accordance with the decisions made by the General Conference and the Executive Committee to examine the working of the Institute and in particular financial matters and to submit the annual budget to the Executive Committee.

2. The Management Committee consists of the President of the Executive Committee who is *ex officio* President of the Management Committee, three members elected for a period of four years by the Executive Committee, three members elected for a period of four years by the Technical Board. These six members cannot be elected to the same office for more than two consecutive terms.

3. The Management Committee meets when called by its President at least three times a year.

4. Decisions are taken by a simple majority, the President having the casting vote in the case of a tie.

5. The Director is *ex officio* Secretary to the Management Committee.

6. When necessary the Management Committee draws up its own rules of procedure which shall be submitted for approval to the Executive Committee.

*Technical Board and Commissions**Powers, composition and procedure of the Technical Board*

Art. 17. 1. Technical and scientific problems within the province of the Institute are studied by a Technical Board and by Commissions.

2. The Technical Board consists of a President, one to three Vice-Presidents and the Presidents and Vice-Presidents of the Commissions. The office of President of the Technical Board cannot be held by the same person at the same time as that of President or Vice-President of a Commission.

3. The Members of the Technical Board are entitled, when prevented from attending a meeting, to appoint as proxy one of their colleagues on the Technical Board.

4. The President of the General Conference and the President and Vice-Presidents of the Executive Committee are invited to the meetings of the Technical Board and they attend such meetings in an advisory capacity.

5. The President and the Vice-Presidents of the Technical Board are elected every four years by the General Conference at its ordinary session on a basis of proposals made by the retiring Technical Board. The members of the Technical Board cannot be elected to the same office for more than two consecutive terms.

6. During the intervals between sessions of the General Conference, the Executive Committee elects members in succession to those who have resigned or are prevented from serving; the term of new members so elected expiring with that of the other members.

7. The Technical Board meets normally once a year. Additional meetings may be held when called by its President or at the request of one third of its members.

8. Resolutions are passed by a simple majority of members present, the President having the casting vote in case of a tie.

9. The Director is *ex officio* Secretary of the Technical Board.

10. If necessary, the Technical Board draws up its own rules of procedure within the framework of the present Agreement and of the General Regulations.

Functions, composition and procedure of Commissions

Art. 18. 1. The number of the Commissions and their functions are laid down by the General Regulations.

2. Each Commission has a President, one or more Vice-Presidents and one or more Secretaries.

3. The President and the Vice-Presidents are elected by the General Conference at its ordinary session. They cannot hold the same office for more than two consecutive terms.

4. When neither the President nor one of the Vice-Presidents of a Commission belongs to the Country in which the next International Congress is due to take place an additional Vice-President may be appointed by the Executive Committee on proposal of the delegate of that country; his duties end when the Congress has completed its work.

5. Bearing in mind recommendations forwarded by Member Countries the other Members of the Commission are appointed by the Technical Board on the basis of proposals made by the Presidents of Commissions. This Board can delegate to its President the power of appointment during the intervals between its sessions.

6. Secretaries of Commissions are appointed by the Technical Board on the basis of proposals made by the Presidents of Commissions.

This Board can delegate to its President the power of appointment during the intervals between its sessions.

7. Any member of a Commission who, during two consecutive years has neither attended meetings nor taken part by correspondence in the work of the Commission, is deemed to have resigned.

Working Parties

Art. 19. Working Parties may be formed to find a solution to problems of interest to the Institute.

Management

Director

Art. 20. 1. The Institute is run by the Director assisted by established and temporary staff.

2. The Director is elected by secret ballot by the Executive Committee. His obligations and powers are laid down in the General Regulations.

3. The Director is *ex officio* Secretary of the General Conference, of the Executive Committee, of the Management Committee and of the Technical Board.

Established and temporary staff

Art. 21. 1. The established and temporary members of the staff are appointed and dismissed by the Director. Their rights and obligations are laid down in the General Regulations.

2. The appointment of established staff is not valid until after confirmation by the Management Committee.

International Congresses of Refrigeration

Art. 22. 1. The Institute is responsible for holding an International Congress of Refrigeration, normally every four years.

2. The program is approved by the Executive Committee. The work of organization may be entrusted to one or more Member Countries of the Institute.

Publications

Art. 23. 1. The work of the Technical Board and of the Commissions and information of all kinds collected by the Institute is published in its official languages in journals and other papers edited by the Institute.

2. The General Regulations lay down the conditions under which a certain number of copies of these publications are distributed free of charge to the Member Countries.

3. The Institute may also employ any other method of disseminating information which will help to achieve its aims.

SECTION IV

Financial Resources

Resources of the Institute

Art. 24. The cost of running the Institute is covered:

(a) by annual and by extraordinary contributions from Member Countries;

(b) by receipts from subscriptions to the journals, from the sale of publications or documents, from advertisements in the various publications and, in general, by income accruing from all activities carried out within the framework of the present Agreement;

(c) by other subscriptions, gifts and legacies from which it may legally benefit;

(d) by income derived from its assets.

Budget

Art. 25. 1. The Executive Committee examines at its annual ordinary session the financial report for the preceding year. The budget for the coming year is approved by the Executive Committee at its annual ordinary session.

2. The Executive Committee can delegate to the Management Committee powers to make certain modifications in the current budget.

Amount of ordinary annual contributions payable by Member Countries

Art. 26. 1. Each Member Country's contribution is payable in French francs or in its own currency which must be convertible into French francs, convertibility being the responsibility of the contributing member. It is fixed in gold francs of a weight of 10/31 gramme and of a fineness of 0.900 according to the category to which the Member Country belongs on the following basis:

Category	Annual contribution in gold francs.
1	9,600
2	7,200
3	4,800
4	3,200
5	1,600
6	800

2. Every four years the General Conference, at its ordinary session acting on proposals approved the preceding year by the Executive Committee, may modify the amounts of these basic contributions by a higher or lower coefficient in order to adapt them to the activities of the Institute or to the current economic situation.

3. The new rates of contribution apply during the next four years.

Non-payment of contributions

Art. 27. Member Countries which are more than two years in arrears

with the payment of their financial contribution forfeit the privileges of membership and in particular the rights of vote until such time as their payments are regularised.

SECTION V

MISCELLANEOUS CLAUSES

Relationships with other International Organisations

Art. 28. The Institute shall establish with specialized Agencies of the United Nations Organisation and with other international bodies such relationships as may assure collaboration in the achievement of their respective aims.

Legal capacity, privileges and immunities

Art. 29. The Institute enjoys in the territory of each of its Member Countries such legal capacity and status as may be necessary for the exercise of its functions and the fulfilment of its aims as defined in separate agreements made with the interested Member Countries.

Official Languages

Art. 30. The official languages of the Institute are French and English.

Amendments to the Agreement

Art. 31. 1. Amendments to the present Agreement which do not affect the fundamental aims of the Institute and which do not increase the obligations of Member Countries become effective upon the approval by the General Conference.

2. Other amendments shall, when they have been approved by the General Conference, be submitted to Member Countries for ratification. They shall become effective upon ratification by two-thirds of the Member Countries (other than those excluded by the provisions of Article 27 above) for Member Countries which have then ratified, and for a Member Country which ratifies subsequently upon the date of its ratification.

3. In all cases proposed amendments must be submitted to the Governments of Member Countries by the Director at least six months before they are examined by the General Conference.

Duration of the Agreement

Art. 32. The present Agreement is concluded for a period of ten years except for withdrawal according to the provisions of Article 5. Thereafter it shall be automatically renewed for periods of four years at a time unless terminated at the end of any such period.

Interpretation

Art. 33. The French and English texts of this Agreement are equally

authoritative. Any dispute in respect of the interpretation of the Agreement shall be submitted to the International Court of Justice or to an arbitration procedure determined by the General Conference.

Ratification, entry into force

Art. 34. 1. This Agreement will be opened to the signature of the Member Countries of the International Institute of Refrigeration until the first of June 1955.

2. This Agreement shall be ratified. The instruments of ratification shall be deposited with the Government of the French Republic. The Agreement shall come into force for each Signatory Country on the same day on which that Country deposits its instruments of ratification.

3. Nevertheless, the Signatories agree, in order to avoid any delay in its execution, to put this Agreement into operation provisionally immediately upon its being signed insofar as their constitutional and budgetary regulations permit.

4. In faith whereof the following Plenipotentiaries, whose powers have been found in good and due form, have signed the present Agreement.

INTERNATIONAL ISLAMIC ECONOMIC ORGANIZATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Islamic Economic Organization was founded at the First International Islamic Economic Conference held in November 1949. The Constitution was signed on December 5, 1949. It was amended by the Second Conference held in Teheran in 1950.

FUNCTIONS AND POWERS

Article 3 provides that the objects of the Organization are "to aid and stimulate the economic advancement of Muslim countries, so as to assist in raising their living standards and enhancing their national prosperity and well being, as also to promote collaboration and co-ordination in economic matters between them".

Article 4 provides for the collection and dissemination of economic data, investigation of economic problems, the preparation of development plans and assistance in procuring technical or other expert advice, the holding of annual conferences, and the establishment of liaison with other appropriate organizations.

ORGANS

The organs are: (1) a General Council, composed of representatives of each ordinary member and one individual representative of all associate members.¹

(2) A Secretary General.²

MEMBERSHIP

The members are Afghanistan, Indonesia, Iran, Iraq, Jordan, Lebanon, Pakistan, Saudi Arabia, Turkey and the United Arab Republic.

¹ Const., Art. 7.

² Byelaws, Art. 18.

MEANS OF FINANCIAL SUPPORT

It is supported by an admission fee plus equal annual contributions.¹

HEADQUARTERS

Its headquarters are at the Institute of Development Economics, Old Sind Assembly Building, Karachi.

¹ Byelaws, Art. 3; Const. Art. 8.

CONSTITUTION OF THE INTERNATIONAL ISLAMIC ECONOMIC ORGANIZATION

December 5, 1949 as amended 1950 ¹

1. The name of the Association shall be in Arabic the International Islamic Economic Organization.

2. The headquarters of the Organization shall be at Karachi until the General Council decides otherwise.

3. The object of the Organization shall be to aid and stimulate the economic advancement of Muslim countries, so as to assist in raising their living standards and enhancing their national prosperity and well being, as also to promote collaboration and co-ordination in economic matters between them.

4. In pursuit of its object the Organization shall, *inter alia*, adopt the following ways and means:—

(i) collect and disseminate economic facts and figures about Muslim countries and peoples;

(ii) investigate their economic problems and publish studies on them;

(iii) prepare or cause to be prepared plans of development and assist in procuring technical or other expert advice and aid for carrying them out;

(iv) hold an annual conference and organize periodical exhibitions;

(v) establish liaison with other appropriate organizations.

5. (i) Any Muslim country may join the Organization as an ordinary member either

(a) by means of a communication to this effect from its Government addressed to the Secretary-General of the Organization, or

(b) subject to the approval of the Government concerned through an Association with aims and objects similar to those of the Organization.

(ii) Muslims, resident in a country, other than a Muslim country, provided they form an important economic group, and have an Association with aims similar to those of the Organization may, through that Association, seek affiliation with the Organization as an Associate Member;

(iii) No country or people may have more than one such Association for the purposes of clauses (i) and (ii) of this Article.

6. There shall be a General Council of the Organization which shall be responsible for the affairs of the Organization.

7. The General Council shall consist of representatives of each ordinary Member and one individual representative of all Associate Members collectively elected by them each year.

8. The General Council shall have the power to raise by such means as it deems fit the necessary finance for the purposes of the Organization. But each Member and an Associate Member shall make such contribution towards the funds of the Organization as the General Council may prescribe.

¹ Published in "Alhaiyat", Vol. 1, No. 2, November 1950.

9. The General Council shall for the convenient transaction of the business of the Organization frame bye-laws, which shall be consistent with the spirit and letter of these Articles and which shall provide, *inter alia*, for the constitution of such Committees as the General Council may from time to time decide, and the appointment of honorary Chairmen and their officers, and the definition of their powers, duties and emoluments, if any.

10. These Articles may be altered, deleted or added to, by the General Council by a resolution passed by a majority of not less than three fourths of the members of the Council.

EXPLANATION

“Muslim country” in these Articles means a country which is predominantly inhabited by Muslims or has predominant cultural or other affiliations with Muslim countries.

BYE-LAWS OF THE CONSTITUTION OF THE INTERNATIONAL ISLAMIC ECONOMIC ORGANISATION

Members

1. The power of affiliating members for the purpose of the Ordinary or Associate Membership of the Organization, under Article 5 of the Constitution, shall vest in the General Council, whose decision in this behalf shall be final. Such a decision may be taken by circulation in writing.

2. All affiliated Members shall register at the Office of the Organization:

- (i) In the case of Ordinary Members, through their Governments;
- (ii) In the case of Associate Members, through their respective Presidents and Secretaries.

3. (i) Ordinary Members shall pay admission fee of 1,000 U.S.A. Dollars or equivalent thereof and also an annual contribution as may be fixed by the General Council.

(ii) Associate Members shall pay an Admission fee of 500 U.S.A. Dollars or equivalent thereof, and also an annual contribution as may be fixed by General Council.

4. The annual contribution shall be payable by Members within three months of their affiliation and for subsequent years within three months of the commencement of each year. The year shall be the Gregorian Calendar year. No Member whose contribution is in arrear for a period longer than three months shall be entitled to any Membership privileges.

General Council

5. An ordinary meeting of the General Council shall be held once every year for receiving a report from the Secretary-General on the working of the preceding year and the annual accounts and for dealing with other matters, notice of which has been duly given.

6. An extraordinary meeting of the Council may, at any time, be called by the Secretary-General, with the approval of or under the direc-

tions of the President or at the request of three Members of the General Council.

7. Notice of every meeting of the General Council shall be sent to every Member not less than 30 clear days before the date of Meeting.

8. For the purposes of the meetings of the General Council, at least half of the Members shall form the quorum.

9. Every Member shall for the purposes of a meeting of the General Council designate a representative, if it so desires, alternate representatives and advisers. But no Member shall have more than one vote, nor may it vote by proxy or by post.

10. The minutes of a meeting of the General Council recorded by the Secretary-General and attested by the Chairman of the meeting shall be conclusive.

11. The exclusive authority of the Organization shall vest in the General Council and be exercised by it or by Committees, Officers and individuals, whom it might appoint, to such an extent and in such a manner as it might prescribe.

12. Without prejudice to the generality of its powers the General Council shall have the power;

(a) To purchase or otherwise acquire on behalf of the Organization any property, rights and privileges at such price and on such terms and conditions as it thinks fit.

(b) To lease the property of the Organization.

(c) To authorize by a special or general order the sale of movable property.

(d) To sell or mortgage immovable property by a resolution by a majority of not less than 2/3rd of its Members.

(e) To appoint a resident Secretary and other officers, clerks, agents and servants, temporarily or permanently, to determine their duties and emoluments and to suspend or remove them from service.

(f) To make and give receipts and other discharges for money payable to the Organization and for the claims and demands of the Organization.

(g) To institute, conduct, defend, compound or abandon legal proceedings by or against the Organization and to refer claims or demands by or against it to arbitration.

(h) To invest and otherwise deal with the money of the Organization including its reserve funds.

(i) To correspond and deal with Members, Bodies and Persons and generally to do all such things as are conducive to the attainment of the objects of the Organization.

Officers of the Organization

13. The officers of the Organization shall be a President, a Treasurer, a Secretary-General and a Secretary or Secretaries and such other officers as the General Council may decide.

14. The President, the Treasurer and the Secretary-General shall be elected by the General Council for a period of three years, and shall be eligible for re-election. The person elected President of the General Council need not be a Representative of a Member. Nevertheless, he shall have the right to take full part in the proceedings of the General Council and have a casting vote.

15. The General Council shall annually appoint an Auditor or Auditors of the Organization and determine their emoluments, if any.

The President

16. The President shall preside over the meetings of the General Council. In his absence the Council shall elect a Chairman from amongst its members.

Honorary Treasurer

17. The Honorary Treasurer shall be responsible for the management of the Finances of the Organization and shall, within the limits of his authority, make available to the Secretary-General, moneys required for the purposes of the Organization.

Secretary-General

18. (a) The Secretary-General shall be the Principal Executive Officer of the Organization and be responsible for the due observance of all rules and bye-laws and for the carrying out of all resolutions of the General Council. He shall exercise general authority over the staff of the Organization.

(b) The General Council may appoint such technical and other staff as necessary, including a Director-General who shall be in charge of the technical side of the activities of the Organization.

19. The Secretary-General shall present to the annual meeting of the General Council:

(a) an audited statement of accounts together with report of the auditors and a report on the work of the Organization during the preceding year, and

(b) budget estimates for the ensuing year.

Accounts

20. The General Council shall, through the Secretary-General, cause true accounts to be kept of the receipts and expenditures of the Organization and of its assets, credits and liabilities.

21. Once at least every year the accounts of the Organization shall be examined by the Auditor or Auditors of the Organization, who shall have the right of access to all its books, documents and vouchers.

22. Once the audited accounts have been approved by the General Council, they shall be conclusive, except as regards errors that are discovered therein within three months after the approval thereof.

23. Every member of the General Council and every officer and servant of the Organization shall be indemnified by the Organization against all costs and losses which he may become liable to or incur by reason of any act done by him in the discharge of his duty.

24. These bye-laws may be revoked, altered or added to by the General Council by resolution, provided notice thereof is given to the Secretary-General two months before the date of the meeting of the Council.

INTERNATIONAL LABOR ORGANIZATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The original constitution of the Organization, which is now a Specialized Agency of the United Nations, formed parts XIII of the Treaty of Versailles of June 28, 1919, of the Treaty of St. Germain of September 10, 1919, and of the Treaty of Trianon of June 4, 1920, and part XII of the Treaty of Neuilly of November 27, 1919.

It traces its origin from various proposals for improving the conditions and standards of labor by international action. In 1897 interested private parties from the chief industrial nations of Europe formed the International Association for Labor Legislation, an unofficial body. That Association founded an International Labor Office in Basle, Switzerland, in 1901. In 1905 it stimulated the holding of an official conference of governments in Bern. Conventions drawn up at that time were ratified by a number of governments. That Association continued its work until World War I.

Resolutions were adopted by the General Federation of Trade Unions of Great Britain in 1916 and at workers' congresses in allied and neutral states in 1917 proposing labor clauses in the treaties of peace at the conclusion of the war and an international commission for supervising such labor clauses. The resolutions also asked that the labor office created by the International Association for Labor Legislation be made into an official organization.

At the Peace Conference in Paris in 1919, a commission, composed of representatives of employers and workers as well as of governments, drafted a proposed constitution for inclusion in the peace treaties. The constitution, when the treaties were ratified, established the International Labor Organization as an official intergovernmental agency, an autonomous associate of the League of Nations.

The dissolution of the League of Nations and the creation of the United Nations necessitated the revision of the constitution. The International

Labor Conferences which met in 1945 and 1946 adopted instruments of amendment which severed the connection with the League and anticipated a new relationship with the United Nations. On April 20, 1948, a sufficient number of ratifications and acceptances had been registered to bring the present constitution into effect.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes of the organization are set forth in its preamble and in a declaration adopted in Philadelphia on May 10, 1944 at the 26th session of the General Conference of the International Labor Organization, which constitutes an annex to the constitution. They include the furthering among nations of programs designed to achieve the raising of living standards, full employment, recognition of the right of collective bargaining and the extension of social security and welfare legislation.¹ It functions through bodies composed partly of representatives of governments and partly through private individuals who are declared in the constitution to be "representing respectively the employers and the working people."²

The Organization drafts proposed Conventions and Recommendations. If these documents are approved by a two-thirds vote of the General Conference of the Organization, they are sent to the governments of the member nations. If the Convention or Recommendation is ratified or acted upon the member state which does so communicates the action taken to the Director-General of the International Labor Office. If the Convention or Recommendation is not approved, no further obligation rests on the member in regard to the standards covered by the Convention or Recommendation.³

ORGANS

The organs are:

(1) A General Conference composed of four representatives of each member, two government delegates and two representing respectively the employers and the working people.⁴ It meets once a year.⁴

(2) A Governing Body, composed of thirty two persons, twenty representing governments, ten representing employers and ten representing the workers.⁵ Ten government representatives are appointed by the countries of chief industrial importance and the remainder by the Government delegates of the other members of the Conference. The representatives of the employers and the workers are elected respectively by the Employers' delegates and the Workers' delegates to the Conference.⁶

(3) An International Labor Office with a Director-General and a staff.⁷

¹ Constitution, Annex, Section III.

⁴ Id., Art. 3.

⁵ Id., Art. 7.

² Id., Arts. 3, 7.

⁶ Id., Art. 7(2), (4).

³ Id., Art. 19.

⁷ Id., Arts. 8, 9, 10.

MEMBERSHIP

The members are Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, German Federal Republic, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malaya, Mali, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Roumania, Senegal, Somalia, Spain, Sudan, Sweden, Switzerland, Thailand, Togo, Tunisia, Turkey, Ukraine, Union of South Africa, USSR, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Vietnam and Yugoslavia.

MEANS OF FINANCIAL SUPPORT

Each of the members pays the traveling expenses and subsistence of its delegate and advisors. Other expenses are borne by the Members¹ in accordance with "arrangements... which shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the allocation of expenses among the Members of the Organization by a Committee of Government Representatives".²

Members in arrears for two years lose their vote unless excused by a two-thirds vote of the Conference.³

The International Labor Organization participates in the Expanded Program of Technical Assistance for Economic Development which provides additional resources for activities within its field.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The organization is a Specialized Agency of the United Nations and has formal relations with other Specialized Agencies, in particular WHO, FAO, UNESCO and IAEA. Formal agreements exist between ILO and some European Organizations, in particular the Council of Europe and the European Economic Community, and conventions have been prepared under their joint auspices.

The ILO has also formal agreements with OAS and CCTA.

HEADQUARTERS

Its headquarters are at the Bureau International du Travail, Geneva.

¹ Id., Art. 13(3).

² Id., Art. 13 (2, 3).

³ Id., Art. 13(4).

CONSTITUTION OF THE INTERNATIONAL LABOR ORGANIZATION¹

As amended to May 20, 1954

PREAMBLE

Whereas universal and lasting peace can be established only if it is based upon social justice;

And whereas conditions of labor exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labor supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, and with a view to attaining the objectives set forth in this Preamble, agree to the following Constitution of the International Labour Organization:

Chapter I – Organization

Art. 1. 1. A permanent organization is hereby established for the promotion of the objects set forth in the Preamble to this Constitution and in the Declaration concerning the aims and purposes of the International Labor Organization adopted at Philadelphia on 10 May 1944 the text of which is annexed to this Constitution.

2. The Members of the International Labor Organization shall be the States which were Members of the Organization on 1 November 1945, and

¹ The original text of the Constitution, established in 1919, has been modified by the amendment of 1922 which entered into force on 4 June 1934; the Instrument of Amendment of 1945 which entered into force on 26 September 1946; the Instrument of Amendment of 1946 which entered into force on 20 April 1948; and the Instrument of Amendment of 1953 which entered into force on 20 May 1954.

such other States as may become Members in pursuance of the provisions of paragraphs 3 and 4 of this Article.

3. Any original Member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter may become a Member of the International Labor Organization by communicating to the Director-General of the International Labor Office its formal acceptance of the obligations of the Constitution of the International Labor Organization.

4. The General Conference of the International Labor Organization may also admit Members to the Organization by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting. Such admission shall take effect on the communication to the Director-General of the International Labor Office by the Government of the new Member of its formal acceptance of the obligations of the Constitution of the Organization.

5. No Member of the International Labor Organization may withdraw from the Organization without giving notice of its intention so to do to the Director-General of the International Labor Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any International Labor Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

6. In the event of any State having ceased to be a Member of the Organization, its re-admission to membership shall be governed by the provisions of paragraph 3 or paragraph 4 of this Article as the case may be.

Art. 2. The permanent organization shall consist of:

- (a) a General Conference of representatives of the Members;
- (b) a Governing Body composed as described in Article 7; and
- (c) an International Labor Office controlled by the Governing Body.

Art. 3. 1. The meetings of the General Conference of representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four representatives of each of the Members, of whom two shall be Government delegates and the two others shall be delegates representing respectively the employers and the working people of each of the Members.

2. Each delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

3. Each Member which is responsible for the international relations of non-metropolitan territories may appoint as additional advisers to each of its delegates:

- (a) persons nominated by it as representatives of any such territory in regard to matters within the self-governing powers of that territory; and
- (b) persons nominated by it to advise its delegates in regard to matters concerning non-self-governing territories.

4. In the case of a territory under the joint authority of two or more Members, persons may be nominated to advise the delegates of such Members.

5. The Members undertake to nominate non-Government delegates and advisers chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or working people as the case may be, in their respective countries.

6. Advisers shall not speak except on a request made by the delegate whom they accompany and by the special authorization of the President of the Conference, and may not vote.

7. A delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

8. The names of the delegates and their advisers will be communicated to the International Labor Office by the Government of each of the Members.

9. The credentials of delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this Article.

Art. 4. 1. Every delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

2. If one of the Members fails to nominate one of the non-Government delegates whom it is entitled to nominate, the other non-Government delegate shall be allowed to sit and speak at the Conference, but not to vote.

3. If in accordance with Article 3 the Conference refuses admission to a delegate of one of the Members, the provisions of the present Article shall apply as if that delegate had not been nominated.

Art. 5. The meetings of the Conference shall, subject to any decisions which may have been taken by the Conference itself at a previous meeting, be held at such place as may be decided by the Governing Body.

Art. 6. Any change in the seat of the International Labor Office shall be decided by the Conference by a two-thirds majority of the votes cast by the delegates present.

Art. 7. 1. The Governing Body shall consist of four persons:

Twenty representing governments,
Ten representing the employers, and
Ten representing the workers.

2. Of the twenty persons representing governments, ten shall be appointed by the Members of chief industrial importance, and ten shall be appointed by the Members selected for that purpose by the Government delegates to the Conference, excluding the delegates of the ten Members mentioned above.

3. The Governing Body shall as occasion requires determine which are the Members of the Organization of chief industrial importance and shall make rules to ensure that all questions relating to the selection of the Mem-

bers of chief industrial importance are considered by an impartial committee before being decided by the Governing Body. Any appeal made by a Member from the declaration of the Governing Body as to which are the Members of chief industrial importance shall be decided by the Conference, but an appeal to the Conference shall not suspend the application of the declaration until such time as the Conference decides the appeal.

4. The persons representing the employers and the persons representing the workers shall be elected respectively by the employers' delegates and the workers' delegates to the Conference. Two employers' representatives and two workers' representatives shall belong to non-European States.

5. The period of office of the Governing Body shall be three years. If for any reason the Governing Body elections do not take place on the expiry of this period, the Governing Body shall remain in office until such elections are held.

6. The method of filling vacancies and of appointing substitutes and other similar questions may be decided by the Governing Body subject to the approval of the Conference.

7. The Governing Body shall, from time to time, elect from its number a Chairman and two Vice-Chairmen, of whom one shall be a person representing a Government, one a person representing the employers, and one a person representing the workers.

8. The Governing Body shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least sixteen of the representatives on the Governing Body.

Art. 8. 1. There shall be a Director-General of the International Labor Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labor Office and for such other duties as may be assigned to him.

2. The Director-General or his deputy shall attend all meetings of the Governing Body.

Art. 9. 1. The staff of the International Labor Office shall be appointed by the Director-General under regulations approved by the Governing Body.

2. So far as is possible with due regard to the efficiency of the work of the Office, the Director-General shall select persons of different nationalities.

3. A certain number of these persons shall be women.

4. The responsibilities of the Director-General and the staff shall be exclusively international in character. In the performance of their duties the Director-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

5. Each Member of the Organization undertakes to respect the exclusively international character of the responsibilities of the Director-General

and the staff and not to seek to influence them in the discharge of their responsibilities.

Art. 10. 1. The functions of the International Labor Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labor, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international Conventions, and the conduct of such special investigations as may be ordered by the Conference or by the Governing Body.

2. Subject to such directions as the Governing Body may give, the Office shall —

(a) prepare the documents on the various items of the agenda for the meetings of the Conference;

(b) accord to Governments at their request all appropriate assistance within its power in connection with the framing of laws and regulations on the basis of the decisions of the Conference and the improvement of administrative practices and systems of inspection;

(c) carry out the duties required of it by the provisions of this Constitution in connection with the effective observance of Conventions;

(d) edit and issue, in such languages as the Governing Body may think desirable, publications dealing with problems of industry and employment of international interest.

3. Generally, it shall have such other powers and duties as may be assigned to it by the Conference or by the Governing Body.

Art. 11. The Government departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director-General through the representative of their Government on the Governing Body of the International Labor Office or, failing any such representative, through such other qualified official as the Government may nominate for the purpose.

Art. 12. 1. The International Labor Organization shall co-operate within the terms of this Constitution with any general international organization entrusted with the co-ordination of the activities of public international organizations having specialised responsibilities and with public international organizations having specialized responsibilities in related fields.

2. The International Labor Organization may make appropriate arrangements for the representatives of public international organizations to participate without vote in its deliberations.

3. The International Labor Organization may make suitable arrangements for such consultation as it may think desirable with recognised non-governmental international organizations, including international organizations of employers, workers, agriculturists and co-operators.

Art. 13. 1. The International Labor Organization may make such financial and budgetary arrangements with the United Nations as may appear appropriate.

2. Pending the conclusion of such arrangements or if at any time no such arrangements are in force—

(a) each of the Members will pay the travelling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the Conference or the Governing Body, as the case may be;

(b) all other expenses of the International Labor Office and of the meetings of the Conference or Governing Body shall be paid by the Director General of the International Labor Office out of the general funds of the International Labor Organisation;

(c) the arrangements for the approval, allocation and collection of the budget of the International Labor Organization shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organization by a committee of Government representatives.

3. The expenses of the International Labor Organization shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2 (c) of this Article.

4. A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

5. The Director-General of the International Labor Office shall be responsible to the Governing Body for the proper expenditure of the funds of the International Labor Organization.

Chapter II – Procedure

Art. 14. 1. The agenda for all meetings of the Conference will be settled by the Governing Body, which shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organization recognised for the purpose of Article 3, or by any public international organization.

2. The Governing Body shall make rules to ensure thorough technical preparation and adequate consultation of the Members primarily concerned, by means of a preparatory Conference or otherwise, prior to the adoption of a Convention or Recommendation by the Conference.

Art. 15. 1. The Director-General shall act as the Secretary-General of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government delegates when appointed.

2. The reports on each item of the agenda shall be despatched so as to reach the Members in time to permit adequate consideration before the meeting of the Conference. The Governing Body shall make rules for the application of this provision.

Art. 16. 1. Any of the Governments of the Members may formally

object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a statement addressed to the Director-General who shall circulate it to all the Members of the Organization.

2. Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the delegates present is in favour of considering them.

3. If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

Art. 17. 1. The Conference shall elect a President and three Vice-Presidents. One of the Vice-Presidents shall be a Government delegate, one an employers' delegate and one a workers' delegate. The Conference shall regulate its own procedure and may appoint committees to consider and report on any matter.

2. Except as otherwise expressly provided in this Constitution or by the terms of any Convention or other instrument conferring powers on the Conference or of the financial and budgetary arrangements adopted in virtue of Article 13, all matters shall be decided by a simple majority of the votes cast by the delegates present.

3. The voting is void unless the total number of votes cast is equal to half the number of the delegates attending the Conference.

Art. 18. The Conference may add to any committees which it appoints technical experts without power to vote.

Art. 19. 1. When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form; (a) of an international Convention, or (b) of a Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention.

2. In either case a majority of two-thirds of the votes cast by the delegates present shall be necessary on the final vote for the adoption of the Convention or Recommendation, as the case may be, by the Conference.

3. In framing any Convention or Recommendation of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

4. Two copies of the Convention or Recommendation shall be authenticated by the signatures of the President of the Conference and of the Director-General. Of these copies one shall be deposited in the archives of the International Labor Office and the other with the Secretary-General of the United Nations. The Director-General will communicate a certified copy of the Convention or Recommendation to each of the Members.

5. In the case of a Convention—

(a) the Convention will be communicated to all Members for ratification;

(b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;

(c) Members shall inform the Director-General of the International Labor Office of the measures taken in accordance with this Article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;

(d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention;

(e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labor Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise, and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation—

(a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise;

(b) each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action;

(c) the Members shall inform the Director-General of the International Labor Office of the measures taken in accordance with this Article to bring the Recommendation before the said competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them;

(d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labor Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to

the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

(a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;

(b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent States, provinces, or cantons rather than for federal action, the federal Government shall—

(i) make, in accordance with its Constitution and the Constitutions of the States, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations not later than eighteen months from the closing of the session of the Conference to the appropriate federal, State, provincial or cantonal authorities for the enactment of legislation or other action;

(ii) arrange, subject to the concurrence of the State, provincial or cantonal Governments concerned, for periodical consultations between the federal and the State, provincial or cantonal authorities with a view to promoting within the federal State co-ordinated action to give effect to the provisions of such Conventions and Recommendations;

(iii) inform the Director-General of the International Labor Office of the measures taken in accordance with this Article to bring such Conventions and Recommendations before the appropriate federal, State, provincial or cantonal authorities with particulars of the authorities regarded as appropriate and of the action taken by them;

(iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labor Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;

(v) in respect of each such Recommendation, report to the Director-General of the International Labor Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

8. In no case shall the adoption of any Convention or Recommendations by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favorable conditions to the workers concerned than those provided for in the Convention or Recommendation.

Art. 20. Any Convention so ratified shall be communicated by the Director-General of the International Labor Office to the Secretary-General of the United Nations for registration in accordance with the

provisions of Article 102 of the Charter of the United Nations but shall only be binding upon the Members which ratify it.

Art. 21. 1. If any Convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the delegates present, it shall nevertheless be within the right of any of the Members of the Organization to agree to such Convention among themselves.

2. Any Convention so agreed to shall be communicated by the Governments concerned to the Director-General of the International Labor Office and to the Secretary-General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations.

Art. 22. Each of the Members agrees to make an annual report to the International Labor Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request.

Art. 23. 1. The Director-General shall lay before the next meeting of the Conference a summary of the information and reports communicated to him by Members in pursuance of Articles 19 and 22.

2. Each Member shall communicate to the representative organizations recognised for the purpose of Article 3 copies of the information and reports communicated to the Director-General in pursuance of Articles 19 and 22.

Art. 24. In the event of any representation being made to the International Labor Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made, and may invite that Government to make such statement on the subject as it may think fit.

Art. 25. If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Art. 26. 1. Any of the Members shall have the right to file a complaint with the International Labor Office if it is not satisfied that any other Member is securing the effective observance of any Convention which both have ratified in accordance with the foregoing Articles.

2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 24.

3. If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if when it has made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may appoint a Commission of Inquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its

own motion or on receipt of a complaint from a delegate to the Conference.

5. When any matter arising out of Articles 25 or 26 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

Art. 27. The Members agree that, in the event of the reference of a complaint to a Commission of Inquiry under Article 26, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject matter of the complaint.

Art. 28. When the Commission of Inquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

Art. 29. 1. The Director-General of the International Labor Office shall communicate the report of the Commission of Inquiry to the Governing Body and to each of the Governments concerned in the complaint, and shall cause it to be published.

2. Each of these Governments shall within three months inform the Director-General of the International Labor Office whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the International Court of Justice.

Art. 30. In the event of any Member failing to take the action required by paragraphs 5 (b), 6 (b) or 7 (b) (i) of Article 19 with regard to a Convention or Recommendation, any other Member shall be entitled to refer the matter to the Governing Body. In the event of the Governing Body finding that there has been such a failure, it shall report the matter to the Conference.

Art. 31. The decision of the International Court of Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 29 shall be final.

Art. 32. The International Court of Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Inquiry, if any.

Art. 33. In the event of any Member failing to carry out within the time specified in the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.

Art. 34. The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Inquiry or with those in the decision of the International Court of Justice, as the case may be, and may

request it to constitute a Commission of Inquiry to verify its contention. In this case the provisions of Articles 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Inquiry or the decision of the International Court of Justice is in favour of the defaulting Government, the Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of Article 33.

Chapter III – General

Art. 35. 1. The Members undertake that Conventions which they have ratified in accordance with the provisions of this Constitution shall be applied to the non-metropolitan territories for whose international relations they are responsible, including any trust territories for which they are the administering authority, except where the subject matter of the Convention is within the self-governing powers of the territory or the Convention is inapplicable owing to the local conditions or subject to such modifications as may be necessary to adapt the Convention to local conditions.

2. Each Member which ratifies a Convention shall as soon as possible after ratification communicate to the Director-General of the International Labor Office a declaration stating in respect of the territories other than those referred to in paragraphs 4 and 5 below the extent to which it undertakes that the provisions of the Convention shall be applied and giving such particulars as may be prescribed by the Convention.

3. Each Member which has communicated a declaration in virtue of the preceding paragraph may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration and stating the present position in respect of such territories.

4. Where the subject matter of the Convention is within the self-governing powers of any non-metropolitan territory the Member responsible for the international relations of that territory shall bring the Convention to the notice of the Government of the territory as soon as possible with a view to the enactment of legislation or other action by such Government. Thereafter the Member, in agreement with the Government of the territory may communicate to the Director-General of the International Labor Office a declaration accepting the obligations of the Convention on behalf of such territory.

5. A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labor Office —

(a) by two or more Members of the Organization in respect of any territory which is under their joint authority; or

(b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

6. Acceptance of the obligations of a Convention in virtue of paragraph 4 or paragraph 5 shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention and

the obligations under the Constitution of the Organization which apply to ratified Conventions. A declaration of acceptance may specify such modification of the provisions of the Conventions as may be necessary to adapt the Convention to local conditions.

7. Each Member or international authority which has communicated a declaration in virtue of paragraph 4 or paragraph 5 of this Article may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration or terminating the acceptance of the obligations of the Convention on behalf of the territory concerned.

8. If the obligations of a Convention are not accepted on behalf of a territory to which paragraph 4 or paragraph 5 of this Article relates, the Member or Members or international authority concerned shall report to the Director-General of the International Labor Office the position of the law and practice of that territory in regard to the matters dealt with in the Convention and the report shall show the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and shall state the difficulties which prevent or delay the acceptance of such Convention.

Art. 36. Amendments to this Constitution which are adopted by the Conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two-thirds of the Members of the Organization including five of the ten Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of Article 7 of this Constitution.

Art. 37. 1. Any question or dispute relating to the interpretation of this Constitution or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution shall be referred for decision to the International Court of Justice.

2. Notwithstanding the provisions of paragraph 1 of this Article the Governing Body may make and submit to the Conference for approval rules providing for the appointment of a tribunal for the expeditious determination of any dispute or question relating to the interpretation of a Convention which may be referred thereto by the Governing Body or in accordance with the terms of the Convention. Any applicable judgment or advisory opinion of the International Court of Justice shall be binding upon any tribunal established in virtue of this paragraph. Any award made by such a tribunal shall be circulated to the Members of the Organization and any observations which they may make thereon shall be brought before the Conference.

Art. 38. 1. The International Labor Organization may convene such regional conferences and establish such regional agencies as may be desirable to promote the aims and purposes of the Organization.

2. The powers, functions and procedure of regional conferences shall be governed by rules drawn up by the Governing Body and submitted to the General Conference for confirmation.

CHAPTER IV—MISCELLANEOUS PROVISIONS

Art. 39. The International Labor Organization shall possess full juridical personality and in particular the capacity—

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

Art. 40. 1. The International Labor Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Delegates to the Conference, members of the Governing Body and the Director General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. Such privileges and immunities shall be defined in a separate agreement to be prepared by the Organization with a view to its acceptance by the Members.

ANNEX

DECLARATION CONCERNING THE AIMS AND PURPOSES OF THE
INTERNATIONAL LABOR ORGANIZATION

May 10, 1944

The General Conference of the International Labor Organization, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty four, the present Declaration of the aims and purposes of the International Labor Organization and of the principles which should inspire the policy of its Members.

I

The Conference reaffirms the fundamental principles on which the Organization is based and, in particular, that:

- (a) labor is not a commodity;
- (b) freedom of expression and of association are essential to sustained progress;
- (c) poverty anywhere constitutes a danger to prosperity everywhere;
- (d) the war against want requires to be carried on with unrelenting vigor within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

II

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labor Organization that lasting peace can be established only if it is based on social justice, the Conference affirms that:

(a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;

(b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;

(c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;

(d) it is a responsibility of the International Labor Organization to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;

(e) in discharging the tasks entrusted to it the International Labor Organization, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

III

The Conference recognizes the solemn obligation of the International Labor Organization to further among the nations of the world programs which will achieve:

(a) full employment and the raising of standards of living;

(b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;

(c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labor, including migration for employment and settlement;

(d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;

(e) the effective recognition of the right of collective bargaining, the co-operation of management and labor in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;

(f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;

(g) adequate protection for the life and health of workers in all occupations;

(h) provision for child welfare and maternity protection;

(i) the provision of adequate nutrition, housing and facilities for recreation and culture;

(j) the assurance of equality of educational and vocational opportunity.

IV

Confident that the fuller and broader utilization of the world's productive resources necessary for the achievement of the objectives set forth

in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labor Organization with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

V

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilized world.

STANDING ORDERS OF THE INTERNATIONAL LABOUR CONFERENCE

(not reproduced)

AGREEMENT BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL LABOUR ORGANIZATION

December 14, 1946

Article 57 of the Charter of the United Nations provides that specialized agencies established by intergovernmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health and related fields shall be brought into relationship with the United Nations.

The International Labor Conference, meeting in its twenty-seventh session in Paris on 3 November 1945, adopted a resolution confirming the desire of the International Labor Organization to enter into relationship with the United Nations on terms to be determined by agreement.

Therefore, the United Nations and the International Labor Organization agree as follows:

Art. 1. The United Nations recognizes the International Labor Organization as a specialized agency responsible for taking such action as

may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

RECIPROCAL REPRESENTATION

Art. 2. 1. Representatives of the United Nations shall be invited to attend the meetings of the International Labor Conference (hereinafter called the Conference) and its committees, the Governing Body and its committees, and such general, regional or other special meetings as the International Labor Organization may convene, and to participate, without vote, in the deliberations of these bodies.

2. Representatives of the International Labor Organization shall be invited to attend meetings of the Economic and Social Council of the United Nations (hereinafter called the Council) and of its commissions and committees and to participate, without vote, in the deliberations of these bodies with respect to items on their agenda in which the International Labor Organization has indicated that it has an interest.

3. Representatives of the International Labor Organization shall be invited to attend, on a consultative capacity, meetings of the General Assembly and shall be afforded full opportunity for presenting to the General Assembly the views of the International Labor Organization on questions within the scope of its activities.

4. Representatives of the International Labor Organization shall be invited to attend meetings of the main committees of the General Assembly in which the International Labor Organization has an interest and to participate, without vote, in the deliberations thereof.

5. Representatives of the International Labor Organization shall be invited to attend the meetings of the Trusteeship Council and to participate, without vote, in the deliberations thereof with respect to items on the agenda in which the International Labor Organization has indicated that it has an interest.

6. Written statements of the Organization shall be distributed by the Secretariat of the United Nations to all Members of the General Assembly, the Council and its commissions and the Trusteeship Council as appropriate.

PROPOSAL OF AGENDA ITEMS

Art. 3. Subject to such preliminary consultation as may be necessary, the International Labor Organization shall include on the agenda of the Governing Body items proposed to it by the United Nations. Similarly, the Council and its commissions and the Trusteeship Council shall include on their agenda items proposed by the International Labor Organization.

RECOMMENDATIONS OF THE GENERAL ASSEMBLY AND OF THE COUNCIL

Art. 4. 1. The International Labor Organization, having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the function and power of the Council, under Article 62 of the Charter, to make or initiate studies and reports with

respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard, also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the co-ordination of the policies and activities of such specialized agencies, agrees to arrange for the submission, as soon as possible, to the Governing Body, the Conference or such other organ of the International Labor Organization, as may be appropriate, of all formal recommendations which the General Assembly or the Council may make to it.

2. The International Labor Organization agrees to enter into consultation with the United Nations upon request, with respect to such recommendations, and in due course to report to the United Nations on the action taken, by the Organization or by its members, to give effect to such recommendations, or on the other results of their consideration.

3. The International Labor Organization affirms its intention of co-operating in whatever further measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it agrees to participate in, and to co-operate with, any body or bodies which the Council may establish for the purpose of facilitating such co-ordination, and to furnish such information as may be required for the carrying out of this purpose.

EXCHANGE OF INFORMATION AND DOCUMENTS

Art. 5. 1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the International Labor Organization.

2. Without prejudice to the generality of the provisions of paragraph 1:

(a) The International Labor Organization agrees to transmit to the United Nations regular reports on the activities of the International Labor Organization;

(b) The International Labor Organization agrees to comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in article 15; and

(c) The Secretary-General shall, upon request, consult with the Director regarding the provision to the International Labor Organization of such information as may be of special interest to the Organization.

ASSISTANCE TO THE SECURITY COUNCIL

Art. 6. The International Labor Organization agrees to co-operate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council may request including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security.

ASSISTANCE TO THE TRUSTEESHIP COUNCIL

Art. 7. The International Labor Organization agrees to co-operate

with the Trusteeship Council in the carrying out of its functions and in particular agrees that it will, to the greatest extent possible, render such assistance as the Trusteeship Council may request, in regard to matters with which the Organization is concerned.

NON-SELF-GOVERNING TERRITORIES

Art. 8. The International Labor Organization agrees to co-operate with the United Nations in giving effect to the principles and obligations set forth in Chapter XI of the Charter with regard to matters affecting the well-being and development of the peoples of Non-Self-Governing Territories.

RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

Art. 9. 1. The International Labor Organization agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

2. The General Assembly authorizes the International Labor Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities other than questions concerning the mutual relationships of the Organization and the United Nations or other specialized agencies.

3. Such request may be addressed to the Court by the Conference, or by the Governing Body acting in pursuance of an authorization by the Conference.

4. When requesting the International Court of Justice to give an advisory opinion, the International Labor Organization shall inform the Economic and Social Council of the request.

HEADQUARTERS AND REGIONAL OFFICES

Art. 10. 1. The International Labor Organization, having regard to the desirability of the headquarters of specialized agencies being situated at the permanent seat of the United Nations, and to the advantages that flow from such centralization, agrees to consult the United Nations before making any decision concerning the location of its permanent headquarters

2. Any regional or branch offices which the International Labor Organization may establish shall, so far as practicable, be closely associated with such regional or branch offices as the United Nations may establish.

PERSONNEL ARRANGEMENTS

Art. 11. 1. The United Nations and the International Labor Organization recognize that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative co-ordination, and with this end in view, agree to develop common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the International Labor Organization

agree to co-operate to the fullest extent possible in achieving these ends and in particular they agree to:

(a) Consult together concerning the establishment of an International Civil Service Commission to advise on the means by which common standards of recruitment in the secretariats of the United Nations and of the specialized agencies may be ensured;

(b) Consult together concerning other matters relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules with a view to securing as much uniformity in these matters as shall be found practicable;

(c) Co-operate in the interchange of personnel, when desirable, on a temporary or permanent basis, making due provision for the retention of seniority and pension rights;

(d) Co-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connexion with the employment of personnel and related matters.

STATISTICAL SERVICES

Art. 12. 1. The United Nations and the International Labor Organization agree to strive for maximum co-operation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burdens placed upon national governments and other organizations from which such information may be collected.

2. The International Labor Organization recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the International Labor Organization as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world.

4. The United Nations shall develop administrative instruments and procedures through which effective statistical co-operation may be secured between the United Nations and the agencies brought into relationship with it.

5. It is recognized as desirable that the collection of statistical information should not be duplicated by the United Nations or any of the specialized agencies whenever it is practicable for any of them to utilize information or materials which another may have available.

6. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the International Labor

Organization for incorporation in its basic statistical series or special reports should, so far as practicable, be made available to the United Nations.

ADMINISTRATIVE AND TECHNICAL SERVICES

Art. 13. 1. The United Nations and the International Labor Organization recognize the desirability, in the interest of administrative and technical uniformity and of the most efficient use of personnel and resources, of avoiding, whenever possible, the establishment and operation of competitive or overlapping facilities and services among the United Nations and the specialized agencies.

2. Accordingly, the United Nations and the International Labor Organization agree to consult together concerning the establishment and use of common administrative and technical services and facilities in addition to those referred to in articles 11, 12 and 14. in so far as the establishment and use of such services may from time to time be found practicable and appropriate.

3. Arrangements shall be made between the United Nations and the International Labor Organization in regard to the registration and deposit of official documents.

BUDGETARY AND FINANCIAL ARRANGEMENTS

Art. 14. 1. The International Labour Organization recognizes the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and of the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of co-ordination and uniformity with respect to these operations shall be secured.

2. The United Nations and the International Labor Organization agree to co-operate to the fullest extent possible in achieving these ends and, in particular, shall consult together concerning the desirability of making appropriate arrangements for the inclusion of the budget of the Organization within a general budget of the United Nations. Any such arrangements which may be made shall be defined in a supplementary agreement between the two organizations.

3. In the preparation of the budget of the International Labor Organization the Organization shall consult with the United Nations.

4. The International Labor Organization agrees to transmit its proposed budget to the United Nations annually at the same time as such budget is transmitted to its members. The General Assembly shall examine the budget or proposed budget of the Organization and may make recommendations to it concerning any item or items contained therein.

5. Representatives of the International Labor Organization shall be entitled to participate, without vote, in the deliberations of the General Assembly or any committee thereof at all times when the budget of the Organization or general administrative or financial questions affecting the Organization are under consideration.

6. The United Nations may undertake the collection of contributions from those members of the International Labor Organization which are also Members of the United Nations in accordance with such arrangements as may be defined by a later agreement between the United Nations and the International Labor Organization.

7. The United Nations shall, upon its own initiative or upon the request of the International Labor Organization, arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organization and to other specialized agencies with a view to the provision of common services and the securing of uniformity in such matters.

8. The International Labor Organization agrees to conform as far as may be practicable to standard practices and forms recommended by the United Nations.

FINANCING OF SPECIAL SERVICES

Art. 15. 1. In the event of the International Labor Organization being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with articles 5, 6 or 7 or with other provisions of this agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the International Labor Organization shall similarly take place with a view to making such arrangements as may be found equitable for covering the costs of central administrative, technical or fiscal services or facilities or other special assistance provided by the United Nations.

INTER-AGENCY AGREEMENTS

Art. 16. The International Labor Organization agrees to inform the Council of the nature and scope of any formal agreement between the International Labor Organization and any other specialized agency or intergovernmental organization and in particular agrees to inform the Council before any such agreement is concluded.

LIAISON

Art. 17. 1. The United Nations and the International Labor Organization agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking whatever further measures may be necessary to make this liaison fully effective.

2. The liaison arrangements provided for in the foregoing articles of this Agreement shall apply as far as appropriate to the relations between such branch or regional offices as may be established by the two organizations as well as between their central machinery.

IMPLEMENTATION OF THE AGREEMENT

Art. 18. The Secretary-General and the Director may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable in the light of the operating experience of the two organizations.

REVISION

Art. 19. This Agreement shall be subject to revision by agreement between the United Nations and the International Labor Organization.

ENTRY INTO FORCE

Art. 20. This Agreement shall come into force on its approval by the General Assembly of the United Nations and the General Conference of the International Labor Organization.

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INTERNATIONAL LEAD AND ZINC STUDY GROUP

NOTE¹

The International Lead and Zinc Study Group was established by terms of reference drawn up by a United Nations Committee on lead and zinc in May 1959. It held its first and second sessions in Geneva from January 27 to February 3 and from September 12 to 15, 1960, respectively.

At these meetings the Study Group reviewed the current situation in lead and zinc and considered various administrative arrangements in connection with the establishment of the new organization. At the first session it established an expert group to examine statistical data and a Standing Committee. It considered a proposal for the establishment of an international lead and zinc fund but decided to concentrate for the present on matters more narrowly confined to problems of the lead and zinc industry.

The Secretary General of the United Nations was requested to provide secretariat services for the time being on a reimbursable basis and it was agreed that provisional headquarters should be at the United Nations in New York.

The countries attending these two sessions of the Study Group were Australia, Belgian Congo,² Belgium, Canada, Czechoslovakia, Finland, France, Germany, Guatemala,³ India, Italy, Japan, Luxembourg,² Mexico, Morocco,² Netherlands, Norway, Peru, Poland, Spain, Sweden, Union of South Africa, USSR, United Kingdom, United States and Yugoslavia.

¹ See United Nations press releases EC/Zinc/4, 5, 7, 8.

² First Session only.

³ Second Session only.

INTERNATIONAL MONETARY FUND

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Fund is a Specialized Agency of the United Nations. Its Articles of Agreement were accepted on December 27, 1945, following a conference of representatives of forty four states at Bretton Woods, New Hampshire, in July 1944. The Agreement entered into force on the day, December 27, 1945, when it had been accepted on behalf of governments having 65% of the total quotas.¹

Members may withdraw by notice with immediate effect.² The Fund may be liquidated by decision of the Board of Governors.³

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes of the organization are to promote international monetary co-operation, to facilitate the expansion and balanced growth of international trade and contribute thereby to the promotion and maintenance of high levels of employment and income, to promote exchange stability and avoid competitive exchange depreciation, to assist in the establishment of a multilateral system of payments and the elimination of foreign exchange restrictions, to make the Fund's resources available to members to correct maladjustments in their balance of payments and to shorten the duration and lessen the disequilibrium in the international balances of payments of members.⁴

Par values are laid down by the Agreement and the Fund prescribes a margin above and below par value for gold transactions. Foreign exchange dealings are to be based on parity.⁵ Changes in par values must take place through the Fund.⁶

The Fund's resources are to be used, under conditions, for supplying a member with the currency of another member in exchange for gold or the purchasing member's currency.⁷ Its resources may also be used for

² Articles of Agreement, Art. 20(1).

¹ Id., Art. 15.

³ Id., Art. 16(2).

⁴ Id., Art. 1.

⁵ Id., Art. 4(1, 2, 3).

⁶ Id., Art. 4(5).

⁷ Id., Art. 5 (2, 3).

reasonable capital transactions required for the expansion of exports or in the ordinary course of trade or banking or to affect capital movements met out of a member's own resources of gold or foreign exchange; they may not be used to meet a sustained outflow of capital.¹

The Fund may inform members if it finds that a general scarcity of a particular currency is developing and may take action to replenish its holdings of such currencies.²

Members are obliged to avoid restrictions on current payments³ and discriminatory currency practices,⁴ to maintain the convertibility of foreign held balances,⁵ to furnish information to the Fund,⁶ and to consult together concerning any restrictions on exchange transactions.⁷

ORGANS

The organs are:

(1) A Board of Governors, composed of one governor and one alternate appointed by each member for a term of five years.⁸ There is a system of weighted voting for the Board and for the Executive Directors.⁹

(2) Executive Directors, composed of not less than twelve directors¹⁰ of which five are appointed by the five members having the largest quotas and the others elected by the other members.¹¹

(3) A Managing Director and staff.¹²

MEMBERSHIP

The members are Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, German Federal Republic, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea, Lebanon, Libya, Luxembourg, Malaya, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Vietnam, and Yugoslavia.

MEANS OF FINANCIAL SUPPORT

Each member is assigned a quota in the Fund, of which at least 25% of its quota or 10% of its net official holdings of gold or United States dollars must be in gold; the remainder is paid in a member's own cur-

¹ *Id.*, Art. 6 (1).

² *Id.*, Art. 7(1, 2).

³ *Id.*, Art. 8(2).

⁴ *Id.*, Art. 8(3).

⁵ *Id.*, Art. 8(4).

⁶ *Id.*, Art. 8(5).

⁷ *Id.*, Art. 8(6).

⁸ *Id.*, Art. 12(2).

⁹ *Id.*, Art. 12(5).

¹⁰ The present membership is 18.

¹¹ Articles of Agreement, Art. 12(3).

¹² *Id.*, Art. 12(4).

rency.¹ Quotas originally ranged from one half million dollars to seven hundred and fifty million dollars.²

The Board of Governors determines annually what part of the Fund's net income shall be placed in reserve and what if any part shall be distributed. If distribution is made there must first be distributed a 2% non-cumulative payment to each member on the amount by which 75% of its quota exceeded the Funds average holdings of its currency during that year.³

Uniform charges are made for services.⁴

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Fund is a Specialized Agency of the United Nations. There are close ties with the International Bank and continuous co-ordination with GATT.

HEADQUARTERS

The headquarters are at Nineteenth and H Streets, NW, Washington.

¹ Id., Art. 3(3).

² In 1961 from one half million to four thousand one hundred and twenty five million, see Schedule A.

³ Articles of Agreement, Art. 12(6).

⁴ Id., Art. 5(7).

ARTICLES OF AGREEMENT of the INTERNATIONAL MONETARY FUND

December 27, 1945

The Governments on whose behalf the present Agreement is signed agree as follows:

INTRODUCTORY ARTICLE

The International Monetary Fund is established and shall operate in accordance with the following provisions:

PURPOSES

Art. 1. The purposes of the International Monetary Fund are:

(i) To promote international monetary co-operation through a permanent institution which provides the machinery for consultation and collaboration on international monetary problems.

(ii) To facilitate the expansion and balanced growth of international trade, and to contribute thereby to the promotion and maintenance of high levels of employment and real income and to the development of the productive resources of all members as primary objectives of economic policy.

(iii) To promote exchange stability, to maintain orderly exchange arrangements among members, and to avoid competitive exchange depreciation.

(iv) To assist in the establishment of a multilateral system of payments in respect of current transactions between members and in the elimination of foreign exchange restrictions which hamper the growth of world trade.

(v) To give confidence to members by making the Fund's resources available to them under adequate safeguards, thus providing them with opportunity to correct maladjustments in their balance of payments without resorting to measures destructive of national or international prosperity.

(vi) In accordance with the above, to shorten the duration and lessen the degree of disequilibrium in the international balances of payments of members.

The Fund shall be guided in all its decisions by the purposes set forth in this Article.

MEMBERSHIP

Art. 2. Section 1. *Original members.*—The original members of the Fund shall be those of the countries represented at the United Nations Monetary and Financial Conference whose governments accept membership before the date specified in Article 20, Section 2 (e).

Sec. 2. *Other members.*—Membership shall be open to the governments

(*Art. 2, contin.*)

of other countries at such times and in accordance with such terms as may be prescribed by the Fund.

QUOTAS AND SUBSCRIPTIONS

Art. 3. Section 1. Quotas.—Each member shall be assigned a quota. The quotas of the members represented at the United Nations Monetary and Financial Conference which accept membership before the date specified in Article 20, Section 2 (e), shall be those set forth in Schedule A. The quotas of other members shall be determined by the Fund.

Sec. 2. Adjustment of quotas.—The Fund shall at intervals of five years review, and if it deems it appropriate propose an adjustment of, the quotas of the members. It may also, if it thinks fit, consider at any other time the adjustment of any particular quota at the request of the member concerned. A four-fifths majority of the total voting power shall be required for any change in quotas and no quota shall be changed without the consent of the member concerned.

Sec. 3. Subscriptions: time, place, and form of payment.—(a) The subscription of each member shall be equal to its quota and shall be paid in full to the Fund at the appropriate depository on or before the date when the member becomes eligible under Article 20, Section 4 (c) or (d), to buy currencies from the Fund.

(b) Each member shall pay in gold, as a minimum, the smaller of

(i) twenty-five percent of its quota; or

(ii) ten percent of its net official holdings of gold and United States dollars as at the date when the Fund notifies members under Article 20, Section 4 (a) that it will shortly be in a position to begin exchange transactions.

Each member shall furnish to the Fund the data necessary to determine its net official holdings of gold and United States dollars.

(c) Each member shall pay the balance of its quota in its own currency.

(d) If the net official holdings of gold and United States dollars of any member as at the date referred to in (b) (i) above are not ascertainable because its territories have been occupied by the enemy, the Fund shall fix an appropriate alternative date for determining such holdings. If such date is later than that on which the country becomes eligible under Article 20, Section 4 (c) or (d), to buy currencies from the Fund, the Fund and the member shall agree on a provisional gold payment to be made under (b) above, and the balance of the member's subscription shall be paid in the member's currency, subject to appropriate adjustment between the member and the Fund when the net official holdings have been ascertained.

Sec. 4. Payments when quotas are changed.—(a) Each member which consents to an increase in its quota shall, within thirty days after the date of its consent, pay to the Fund twenty-five percent of the increase in gold and the balance in its own currency. If, however, on the date when the member consents to an increase, its monetary reserves are less than its new quota, the Fund may reduce the proportion of the increase to be paid in gold.

(b) If a member consents to a reduction in its quota, the Fund shall,

(Art. 3, *contin.*)

within thirty days after the date of the consent, pay to the member an amount equal to the reduction. The payment shall be made in the member's currency and in such amount of gold as may be necessary to prevent reducing the Fund's holdings of the currency below seventy-five percent of the new quota.

Sec. 5. *Substitution of securities for currency.*—The Fund shall accept from any member in place of any part of the member's currency which in the judgment of the Fund is not needed for its operations, notes or similar obligations issued by the member or the depository designated by the member under Article 13, Section 2, which shall be non-negotiable, non-interest bearing and payable at their par value on demand by crediting the account of the Fund in the designated depository. This Section shall apply not only to currency subscribed by members but also to any currency otherwise due to, or acquired by, the Fund.

PAR VALUES OF CURRENCIES

Art. 4. Section 1. *Expression of par values.*—(a) The par value of the currency of each member shall be expressed in terms of gold as a common denominator or in terms of the United States dollar of the weight and fineness in effect on July 1, 1944.

(b) All computations relating to currencies of members for the purpose of applying the provisions of this Agreement shall be on the basis of their par values.

Sec. 2. *Gold purchases based on par values.*—The Fund shall prescribe a margin above and below par value for transactions in gold by members, and no member shall buy gold at a price above par value plus the prescribed margin, or sell gold at a price below par value minus the prescribed margin.

Sec. 3. *Foreign exchange dealings based on parity.*—The maximum and the minimum rates for exchange transactions between the currencies of members taking place within their territories shall not differ from parity.

(i) in the case of spot exchange transactions, by more than one percent; and

(ii) in the case of other exchange transactions, by a margin which exceeds the margin for spot exchange transactions by more than the Fund considers reasonable.

Sec. 4. *Obligations regarding exchange stability.*—(a) Each member undertakes to collaborate with the Fund to promote exchange stability, to maintain orderly exchange arrangements with other members, and to avoid competitive exchange alterations.

(b) Each member undertakes, through appropriate measures consistent with this Agreement, to permit within its territories exchange transactions between its currency and the currencies of other members only within the limits prescribed under Section 3 of this Article. A member whose monetary authorities, for the settlement of international transactions, in fact freely buy and sell gold within the limits prescribed by the Fund under Section 2 of this Article shall be deemed to be fulfilling this undertaking.

(Art. 4, *contin.*)

Sec. 5. *Changes in par values.*—(a) A member shall not propose a change in the par value of its currency except to correct a fundamental disequilibrium.

(b) A change in the par value of a member's currency may be made only on the proposal of the member and only after consultation with the Fund.

(c) When a change is proposed, the Fund shall first take into account the changes, if any, which have already taken place in the initial par value of the member's currency as determined under Article 20, Section 4. If the proposed change, together with all previous changes, whether increases or decreases,

(i) does not exceed ten percent of the initial par value, the Fund shall raise no objection;

(ii) does not exceed a further ten percent of the initial par value, the Fund may either concur or object, but shall declare its attitude within seventy-two hours if the member so requests,

(iii) is not within (i) or (ii) above, the Fund may either concur or object, but shall be entitled to a longer period in which to declare its attitude.

(d) Uniform changes in par values made under Section 7 of this Article shall not be taken into account in determining whether a proposed change falls within (i), (ii), or (iii) of (c) above.

(e) A member may change the par value of its currency without the concurrence of the Fund if the change does not affect the international transactions of members of the Fund.

(f) The Fund shall concur in a proposed change which is within the terms of (c) (ii) or (c) (iii) above if it is satisfied that the change is necessary to correct a fundamental disequilibrium. In particular, provided it is so satisfied, it shall not object to a proposed change because of the domestic social or political policies of the member proposing the change.

Sec. 6. *Effect of unauthorized changes.*—If a member changes the par value of its currency despite the objection of the Fund, in cases where the Fund is entitled to object, the member shall be ineligible to use the resources of the Fund unless the Fund otherwise determines; and if, after the expiration of a reasonable period, the difference between the member and the Fund continues, the matter shall be subject to the provisions of Article 15, Section 2 (b).

Sec. 7. *Uniform changes in par values.*—Notwithstanding the provisions of Section 5 (b) of this Article, the Fund by a majority of the total voting power may make uniform proportionate changes in the par values of the currencies of all members, provided each such change is approved by every member which has ten percent or more of the total of the quotas. The par value of a member's currency shall, however, not be changed under this provision if, within seventy-two hours of the Fund's action, the member informs the Fund that it does not wish the par value of its currency to be changed by such action.

Sec. 8. *Maintenance of gold value of the Fund's assets.*

(a) The gold value of the Fund's assets shall be maintained notwithstanding changes in the par or foreign exchange value of the currency of any member.

(Art. 4, *contin.*)

(b) Whenever (i) the par value of a member's currency is reduced, or (ii) the foreign exchange value of a member's currency has, in the opinion of the Fund, depreciated to a significant extent within that member's territories, the member shall pay to the Fund within a reasonable time an amount of its own currency equal to the reduction in the gold value of its currency held by the Fund.

(c) Whenever the par value of a member's currency is increased, the Fund shall return to such member within a reasonable time an amount in its currency equal to the increase in the gold value of its currency held by the Fund.

(d) The provisions of this Section shall apply to a uniform proportionate change in the par values of the currencies of all members, unless at the time when such a change is proposed the Fund decides otherwise.

Sec. 9. *Separate currencies within a member's territories.*—A member proposing a change in the par value of its currency shall be deemed, unless it declares otherwise, to be proposing a corresponding change in the par value of the separate currencies of all territories in respect of which it has accepted this Agreement under Article 20, Section 2 (g). It shall, however, be open to a member to declare that its proposal relates either to the metropolitan currency alone, or only to one or more specified separate currencies, or to the metropolitan currency and one or more specified separate currencies.

TRANSACTIONS WITH THE FUND

Art. 5. Section 1. *Agencies dealing with the Fund.*—Each member shall deal with the Fund only through its Treasury, central bank, stabilization fund, or other similar fiscal agency and the Fund shall deal only with or through the same agencies.

Sec. 2. *Limitation on the Fund's operations.*—Except as otherwise provided in this Agreement, operations on the account of the Fund shall be limited to transactions for the purpose of supplying a member, on the initiative of such member, with the currency of another member in exchange for gold or for the currency of the member desiring to make the purchase.

Sec. 3. *Conditions governing use of the Fund's resources.*—(a) A member shall be entitled to buy the currency of another member from the Fund in exchange for its own currency subject to the following conditions:

(i) The member desiring to purchase the currency represents that it is presently needed for making in that currency payments which are consistent with the provisions of this Agreement;

(ii) The Fund has not given notice under Article 7, Section 3, that its holdings of the currency desired have become scarce;

(iii) The proposed purchase would not cause the Fund's holdings of the purchasing member's currency to increase by more than twenty-five percent of its quota during the period of twelve months ending on the date of the purchase nor to exceed two hundred percent of its quota, but the twenty-five percent limitation shall apply only to the extent that the Fund's holdings of the member's currency have been brought above

(Art. 5, contin.)

seventy-five percent of its quota if they had been below that amount;

(iv) The Fund has not previously declared under Section 5 of this Article, Article 4, Section 6, Article 6, Section 1, or Article 15, Section 2 (a), that the member desiring to purchase is ineligible to use the resources of the Fund.

(b) A member shall not be entitled without the permission of the Fund to use the Fund's resources to acquire currency to hold against forward exchange transactions.

Sec. 4. *Waiver of conditions.*—The Fund may in its discretion, and on terms which safeguard its interests, waive any of the conditions prescribed in Section 3 (a) of this Article, especially in the case of members with a record of avoiding large or continuous use of the Fund's resources. In making a waiver it shall take into consideration periodic or exceptional requirements of the member requesting the waiver. The Fund shall also take into consideration a member's willingness to pledge as collateral security gold, silver, securities, or other acceptable assets having a value sufficient in the opinion of the Fund to protect its interests and may require as a condition of waiver the pledge of such collateral security.

Sec. 5. *Ineligibility to use the Fund's resources.*—Whenever the Fund is of the opinion that any member is using the resources of the Fund in a manner contrary to the purposes of the Fund, it shall present to the member a report setting forth the views of the Fund and prescribing a suitable time for reply. After presenting such a report to a member, the Fund may limit the use of its resources by the member. If no reply to the report is received from the member within the prescribed time, or if the reply received is unsatisfactory, the Fund may continue to limit the member's use of the Fund's resources or may, after giving reasonable notice to the member, declare it ineligible to use the resources of the Fund.

Sec. 6. *Purchases of currencies from the Fund for gold.*—(a) Any member desiring to obtain, directly or indirectly, the currency of another member for gold shall, provided that it can do so with equal advantage, acquire it by the sale of gold to the Fund.

(b) Nothing in this Section shall be deemed to preclude any member from selling in any market gold newly produced from mines located within its territories.

Sec. 7. *Repurchase by a member of its currency held by the Fund.*—(a) A member may repurchase from the Fund and the Fund shall sell for gold any part of the Fund's holdings of its currency in excess of its quota.

(b) At the end of each financial year of the Fund, a member shall repurchase from the Fund with gold or convertible currencies, as determined in accordance with Schedule B, part of the Fund's holdings of its currency under the following conditions:

(i) Each member shall use in repurchases of its own currency from the Fund an amount of its monetary reserves equal in value to one-half of any increase that has occurred during the year in the Fund's holdings of its currency plus one-half of any increase, or minus one-half of any decrease, that has occurred during the year in the member's monetary reserves. This rule shall not apply when a member's monetary reserves

(Art. 5, *contin.*)

have decreased during the year by more than the Fund's holdings of its currency have increased.

(u) If after the repurchase described in (i) above (if required) has been made, a member's holdings of another member's currency (or of gold acquired from that member) are found to have increased by reason of transactions in terms of that currency with other members or persons in their territories, the member whose holdings of such currency (or gold) have thus increased shall use the increase to repurchase its own currency from the Fund.

(c) None of the adjustments described in (b) above shall be carried to a point at which

- (i) the member's monetary reserves are below its quota, or
- (ii) the Fund's holdings of its currency are below seventy-five percent of its quota, or
- (iii) the Fund's holdings of any currency required to be used are above seventy-five percent of the quota of the member concerned.

Sec. 8. *Charges.*—(a) Any member buying the currency of another member from the Fund in exchange for its own currency shall pay a service charge uniform for all members of three-fourth percent in addition to the parity price. The Fund in its discretion may increase this service charge to not more than one percent or reduce it to not less than one-half percent.

(b) The Fund may levy a reasonable handling charge on any member buying gold from the Fund or selling gold to the Fund.

(c) The Fund shall levy charges uniform for all members which shall be payable by any member on the average daily balances of its currency held by the Fund in excess of its quota. These charges shall be at the following rates:

(i) *On amounts not more than twenty-five percent in excess of the quota:* no charge for the first three months; one-half percent per annum for the next nine months; and thereafter an increase in the charge of one-half percent for each subsequent year.

(ii) *On amounts more than twenty-five percent and not more than fifty percent in excess of the quota:* an additional one-half percent for the first year; and an additional one-half percent for each subsequent year.

(iii) *On each additional bracket of twenty-five percent in excess of the quota:* an additional one-half percent for the first year; and an additional one-half percent for each subsequent year.

(d) Whenever the Fund's holdings of a member's currency are such that the charge applicable to any bracket for any period has reached the rate of four percent per annum, the Fund and the member shall consider means by which the Fund's holdings of the currency can be reduced. Thereafter, the charges shall rise in accordance with the provisions of (c) above until they reach five percent and failing agreement, the Fund may then impose such charges as it deems appropriate.

(e) The rates referred to in (c) and (d) above may be changed by a three-fourths majority of the total voting power.

(f) All charges shall be paid in gold. If, however, the member's monetary reserves are less than one-half of its quota, it shall pay in gold only that proportion of the charges due which such reserves bear to one-half of its quota, and shall pay the balance in its own currency.

CAPITAL TRANSFERS

Art. 6. Section 1. Use of the Fund's resources for capital transfers.—(a) A member may not make net use of the Fund's resources to meet a large or sustained outflow of capital, and the Fund may request a member to exercise controls to prevent such use of the resources of the Fund. If, after receiving such a request, a member fails to exercise appropriate controls, the Fund may declare the member ineligible to use the resources of the Fund.

(b) Nothing in this Section shall be deemed

(i) to prevent the use of the resources of the Fund for capital transactions of reasonable amount required for the expansion of exports or in the ordinary course of trade, banking or other business, or

(ii) to affect capital movements which are met out of a member's own resources of gold and foreign exchange, but members undertake that such capital movements will be in accordance with the purposes of the Fund.

Sec. 2. Special provisions for capital transfers.—If the Fund's holdings of the currency of a member have remained below seventy-five percent of its quota for an immediately preceding period of not less than six months, such member, if it has not been declared ineligible to use the resources of the Fund under Section 1 of this Article, Article 4, Section 6, Article 5, Section 5, or Article 15, Section 2 (a), shall be entitled, notwithstanding the provisions of Section 1(a) of this Article, to buy the currency of another member from the Fund with its own currency for any purpose, including capital transfers. Purchases for capital transfers under this Section shall not, however, be permitted if they have the effect of raising the Fund's holdings of the currency of the member desiring to purchase above seventy-five percent of its quota, or of reducing the Fund's holdings of the currency desired below seventy-five percent of the quota of the member whose currency is desired.

Sec. 3. Controls of capital transfers.—Members may exercise such controls as are necessary to regulate international capital movements, but no member may exercise these controls in a manner which will restrict payments for current transactions or which will unduly delay transfers of funds in settlement of commitments, except as provided in Article 7, Section 3 (b), and in Article 14, Section 2.

SCARCE CURRENCIES

Art. 7. Section 1. General scarcity of currency.—If the Fund finds that a general scarcity of a particular currency is developing, the Fund may so inform members and may issue a report setting forth the causes of the scarcity and containing recommendations designed to bring it to an end. A representative of the member whose currency is involved shall participate in the preparation of the report.

Sec. 2. Measures to replenish the Fund's holdings of scarce currencies.—The Fund may, if it deems such action appropriate to replenish its holdings of any member's currency, take either or both of the following steps:

(i) Propose to the member that, on terms and conditions agreed between the Fund and the member, the latter lend its currency to the Fund

(Art. 7, *contin.*)

or that, with the approval of the member, the Fund borrow such currency from some other source either within or outside the territories of the member, but no member shall be under any obligation to make such loans to the Fund or to approve the borrowing of its currency by the Fund from any other source.

(ii) Require the member to sell its currency to the Fund for gold.

Sec. 3. *Scarcity of the Fund's holdings.*—(a) If it becomes evident to the Fund that the demand for a member's currency seriously threatens the Fund's ability to supply that currency, the Fund, whether or not it has issued a report under Section 1 of this Article, shall formally declare such currency scarce and shall thenceforth apportion its existing and accruing supply of the scarce currency with due regard to the relative needs of members, the general international economic situation, and any other pertinent considerations. The Fund shall also issue a report concerning its action.

(b) A formal declaration under (a) above shall operate as an authorization to any member, after consultation with the Fund, temporarily to impose limitations on the freedom of exchange operations in the scarce currency. Subject to the provisions of Article 4, Sections 3 and 4, the member shall have complete jurisdiction in determining the nature of such limitations, but they shall be no more restrictive than is necessary to limit the demand for the scarce currency to the supply held by, or accruing to, the member in question; and they shall be relaxed and removed as rapidly as conditions permit.

(c) The authorization under (b) above shall expire whenever the Fund formally declares the currency in question to be no longer scarce.

Sec. 4. *Administration of restrictions.*—Any member imposing restrictions in respect of the currency of any other member pursuant to the provisions of Section 3 (b) of this Article shall give sympathetic consideration to any representations by the other member regarding the administration of such restrictions.

Sec. 5. *Effect of other international agreements on restrictions.*—Members agree not to invoke the obligations of any engagements entered into with other members prior to this Agreement in such a manner as will prevent the operation of the provisions of this Article.

GENERAL OBLIGATIONS OF MEMBERS

Art. 8. Section 1. *Introduction.*—In addition to the obligations assumed under other articles of this Agreement, each member undertakes the obligations set out in this Article.

Sec. 2. *Avoidance of restrictions on current payments.*—(a) Subject to the provisions of Article 7, Section 3 (b), and Article 14, Section 2, no member shall, without the approval of the Fund, impose restrictions on the making of payments and transfers for current international transactions.

(b) Exchange contracts which involve the currency of any member and which are contrary to the exchange control regulations of that member maintained or imposed consistently with this Agreement shall be unen-

(*Art. 8, contin.*)

forceable in the territories of any member. In addition, members may, by mutual accord, co-operate in measures for the purpose of making the exchange control regulations of either member more effective, provided that such measures and regulations are consistent with this Agreement.

Sec. 3. *Avoidance of discriminatory currency practices.*—No member shall engage in, or permit any of its fiscal agencies referred to in Article 5, Section 1, to engage in, any discriminatory currency arrangements or multiple currency practices except as authorized under this Agreement or approved by the Fund. If such arrangements and practices are engaged in at the date when this Agreement enters into force the member concerned shall consult with the Fund as to their progressive removal unless they are maintained or imposed under Article 14, Section 2, in which case the provisions of Section 4 of that Article shall apply.

Sec. 4. *Convertibility of foreign held balances.*—(a) Each member shall buy balances of its currency held by another member if the latter, in requesting the purchase, represents

- (i) that the balances to be bought have been recently acquired as a result of current transactions; or
- (ii) that their conversion is needed for making payments for current transactions.

The buying member shall have the option to pay either in the currency of the member making the request or in gold.

(b) The obligation in (a) above shall not apply

- (i) when the convertibility of the balances has been restricted consistently with Section 2 of this Article, or Article 6, Section 3; or
- (ii) when the balances have accumulated as a result of transactions effected before the removal by a member of restrictions maintained or imposed under Article 14, Section 2; or
- (iii) when the balances have been acquired contrary to the exchange regulations of the member which is asked to buy them; or
- (iv) when the currency of the member requesting the purchase has been declared scarce under Article 7, Section 3 (a); or
- (v) when the member requested to make the purchase is for any reason not entitled to buy currencies of other members from the Fund for its own currency.

Sec. 5. *Furnishing of information.*—(a) The Fund may require members to furnish it with such information as it deems necessary for its operations, including, as the minimum necessary for the effective discharge of the Fund's duties, national data on the following matters:

- (i) Official holdings at home and abroad, of (1) gold, (2) foreign exchange.
- (ii) Holdings at home and abroad by banking and financial agencies, other than official agencies, of (1) gold, (2) foreign exchange.
- (iii) Production of gold.
- (iv) Gold exports and imports according to countries of destination and origin.
- (v) Total exports and imports of merchandise, in terms of local currency values, according to countries of destination and origin.
- (vi) International balance of payments, including (1) trade in goods and services, (2) gold transactions, (3) known capital transactions, and (4) other items.

(Art. 8, *contin.*)

(vii) International investment position, *i.e.*, investments within the territories of the member owned abroad and investments abroad owned by persons in its territories so far as it is possible to furnish this information.

(viii) National income.

(ix) Price indices, *i.e.*, indices of commodity prices in wholesale and retail markets and of exports and import prices.

(x) Buying and selling rates for foreign currencies.

(xi) Exchange controls, *i.e.*, a comprehensive statement of exchange controls in effect at the time of assuming membership in the Fund and details of subsequent changes as they occur.

(xii) Where official clearing arrangements exist, details of amounts awaiting clearance in respect of commercial and financial transactions, and of the length of time during which such arrears have been outstanding.

(b) In requesting information the Fund shall take into consideration the varying ability of members to furnish the data requested. Members shall be under no obligation to furnish information in such detail that the affairs of individuals or corporations are disclosed. Members undertake, however, to furnish the desired information in as detailed and accurate a manner as is practicable, and, so far as possible, to avoid mere estimates.

(c) The Fund may arrange to obtain further information by agreement with members. It shall act as a centre for the collection and exchange of information on monetary and financial problems, thus facilitating the preparation of studies designed to assist members in developing policies which further the purposes of the Fund.

Sec. 6. *Consultation between members regarding existing international agreements.*—Where under this Agreement a member is authorized in the special or temporary circumstances specified in the Agreement to maintain or establish restrictions on exchange transactions, and there are other engagements between members entered into prior to this Agreement which conflict with the application of such restrictions, the parties to such engagements will consult with one another with a view to making such mutually acceptable adjustments as may be necessary. The provisions of this Article shall be without prejudice to the operation of Article 7, Section 5.

STATUS, IMMUNITIES AND PRIVILEGES

Art. 9. Section 1. *Purposes of Article.*—To enable the Fund to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Fund in the territories of each member.

Sec. 2. *Status of the Fund.*—The Fund shall possess full juridical personality, and in particular, the capacity

(i) to contract;

(ii) to acquire and dispose of immovable and movable property;

(iii) to institute legal proceedings.

Sec. 3. *Immunity from judicial process.*—The Fund, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly

(*Art. 9, contin.*)

waives its immunity for the purpose of any proceedings or by the terms of any contract.

Sec. 4. *Immunity from other action.*—Property and assets of the Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Sec. 5. *Immunity of archives.*—The archives of the Fund shall be inviolable.

Sec. 6. *Freedom of assets from restrictions.*—To the extent necessary to carry out the operations provided for in this Agreement, all property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature.

Sec. 7. *Privilege for communications.*—The official communications of the Fund shall be accorded by members the same treatment as the official communications of other members.

Sec. 8. *Immunities and privileges of officers and employees.*—All governors, executive directors, alternates, officers and employees of the Fund;

(i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Fund waives this immunity;

(ii) not being local nationals, shall be granted the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;

(iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Sec. 9. *Immunities from taxation.*—(a) The Fund, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Fund shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to executive directors, alternates, officers or employees of the Fund who are not local citizens, local subjects, or other local nationals;

(c) No taxation of any kind shall be levied on any obligation or security issued by the Fund, including any dividend or interest thereon, by whomsoever held

(i) which discriminates against such obligation or security solely because of its origin, or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund.

Sec. 10. *Application of Article.*—Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Fund of the detailed action which it has taken.

RELATIONS WITH OTHER INTERNATIONAL ORGANIZATIONS

Art. 10. The Fund shall co-operate within the terms of this Agreement with any general international organization and with public international organizations having specialized responsibilities in related fields. Any arrangements for such co-operation which would involve a modification of any provision of this Agreement may be effected only after amendment to this Agreement under Article 17.

RELATIONS WITH NON-MEMBER COUNTRIES

Art. 11. Section 1. *Undertakings regarding relations with non-member countries.*—Each member undertakes:

(i) Not to engage in, nor to permit any of its fiscal agencies referred to in Article 5, Section 1, to engage in, any transactions with a non-member or with persons in a non-member's territories which would be contrary to the provisions of this Agreement or the purposes of the Fund;

(ii) Not to co-operate with a non-member or with persons in a non-member's territories in practices which would be contrary to the provisions of this Agreement or the purposes of the Fund; and

(iii) To co-operate with the Fund with a view to the application in its territories of appropriate measures to prevent transactions with non-members or with persons in their territories which would be contrary to the provisions of this Agreement or the purposes of the Fund.

Sec. 2. Restrictions on transactions with non-member countries.—Nothing in this Agreement shall affect the right of any member to impose restrictions on exchange transactions with non-members or with persons in their territories unless the Fund finds that such restrictions prejudice the interests of members and are contrary to the purposes of the Fund.

ORGANIZATION AND MANAGEMENT

Art. 12. Section 1. *Structure of the Fund.*—The Fund shall have a Board of Governors, Executive Directors, a Managing Director, and a staff.

Sec. 2. Board of Governors.—(a) All powers of the Fund shall be vested in the Board of Governors, consisting of one governor and one alternate appointed by each member in such manner as it may determine. Each governor and each alternate shall serve for five years, subject to the pleasure of the member appointing him, and may be reappointed. No alternate may vote except in the absence of his principal. The Board shall select one of the governors as chairman.

(b) The Board of Governors may delegate to the Executive Directors authority to exercise any powers of the Board, except the power to:

(i) Admit new members and determine the conditions of their admission.

(ii) Approve a revision of quotas.

(iii) Approve a uniform change in the par value of the currencies of all members.

(iv) Make arrangements to co-operate with other international organizations (other than informal arrangements of a temporary or administrative character).

(v) Determine the distribution of the net income of the Fund.

(vi) Require a member to withdraw.

(vii) Decide to liquidate the Fund.

(Art. 12, *contin.*)

(viii) Decide appeals from interpretations of this agreement given by the Executive Directors.

(c) The Board of Governors shall hold an annual meeting and such other meetings as may be provided for by the Board or called by the Executive Directors. Meetings of the Board shall be called by the Directors whenever requested by five members or by members having one-quarter of the total voting power.

(d) A quorum for any meeting of the Board of Governors shall be a majority of the governors exercising not less than two-thirds of the total voting power.

(e) Each governor shall be entitled to cast the number of votes allotted under Section 5 of this Article to the member appointing him.

(f) The Board of Governors may by regulation establish a procedure whereby the Executive Directors, when they deem such action to be in the best interests of the Fund, may obtain a vote of the governors on a specific question without calling a meeting of the Board.

(g) The Board of Governors, and the Executive Directors to the extent authorized, may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Fund.

(h) Governors and alternates shall serve as such without compensation from the Fund, but the Fund shall pay them reasonable expenses incurred in attending meetings.

(i) The Board of Governors shall determine the remuneration to be paid to the Executive Directors and the salary and terms of the contract of service of the Managing Director.

Sec. 3. *Executive Directors.*—(a) The Executive Directors shall be responsible for the conduct of the general operations of the Fund, and for this purpose shall exercise all the powers delegated to them by the Board of Governors.

(b) There shall be not less than twelve directors who need not be governors, and of whom

(i) five shall be appointed by the five members having the largest quotas;

(ii) not more than two shall be appointed when the provisions of (c) below apply;

(iii) five shall be elected by the members not entitled to appoint directors other than the American Republics; and

(iv) two shall be elected by the American Republics not entitled to appoint directors.

For the purposes of this paragraph, members means governments of countries whose names are set forth in Schedule A, whether they become members in accordance with Article 20 or in accordance with Article 2, Section 2. When governments of other countries become members, the Board of Governors may, by a four-fifths majority of the total voting power, increase the number of directors to be elected.

(c) If, at the second regular election of directors and thereafter, the members entitled to appoint directors under (b) (i) above do not include the two members, the holdings of whose currencies by the Fund have been, on the average over the preceding two years, reduced below their quotas by

(*Art. 12, contin.*)

the largest absolute amounts in terms of gold as a common denominator, either one or both of such members, as the case may be, shall be entitled to appoint a director.

(d) Subject to Article 20, Section 3 (b) elections of elective directors shall be conducted at intervals of two years in accordance with the provisions of Schedule C, supplemented by such regulations as the Fund deems appropriate. Whenever the Board of Governors increases the number of directors to be elected under (b) above, it shall issue regulations making appropriate changes in the proportion of votes required to elect directors under the provisions of Schedule C.

(e) Each director shall appoint an alternate with full power to act for him when he is not present. When the directors appointing them are present, alternates may participate in meetings but may not vote.

(f) Directors shall continue in office until their successors are appointed or elected. If the office of an elected director becomes vacant more than ninety days before the end of his term, another director shall be elected for the remainder of the term by the members who elected the former director. A majority of the votes cast shall be required for election. While the office remains vacant, the alternate of the former director shall exercise his powers, except that of appointing an alternate.

(g) The Executive Directors shall function in continuous session at the principal office of the Fund and shall meet as often as the business of the Fund may require.

(h) A quorum for any meeting of the Executive Directors shall be a majority of the directors representing not less than one-half of the voting power.

(i) Each appointed director shall be entitled to cast the number of votes allotted under Section 5 of this Article to the member appointing him. Each elected director shall be entitled to cast the number of votes which counted towards his election. When the provisions of Section 5 (b) of this Article are applicable, the votes which a director would otherwise be entitled to cast shall be increased or decreased correspondingly. All the votes which a director is entitled to cast shall be cast as a unit.

(j) The Board of Governors shall adopt regulations under which a member not entitled to appoint a director under (b) above may send a representative to attend any meeting of the Executive Directors when a request made by, or a matter particularly affecting, that member is under consideration.

(k) The Executive Directors may appoint such committees as they deem advisable. Membership of committees need not be limited to governors or directors or their alternates.

Sec. 4. *Managing Director and staff.*—(a) The Executive Directors shall select a Managing Director who shall not be a governor or an executive director. The Managing Director shall be chairman of the Executive Directors, but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Board of Governors, but shall not vote at such meetings. The Managing Director shall cease to hold office when the Executive Directors so decide.

Art. 12, contin.)

(b) The Managing Director shall be chief of the operating staff of the Fund and shall conduct, under the direction of the Executive Directors, the ordinary business of the Fund. Subject to the general control of the Executive Directors, he shall be responsible for the organization, appointment and dismissal of the staff of the Fund.

(c) The Managing Director and the staff of the Fund, in the discharge of their functions, shall owe their duty entirely to the Fund and to no other authority. Each member of the Fund shall respect the international character of this duty and shall refrain from all attempts to influence any of the staff in the discharge of his functions.

(d) In appointing the staff the Managing Director shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of recruiting personnel on as wide a geographical basis as possible.

Sec. 5. *Voting*.—(a) Each member shall have two hundred and fifty votes plus one additional vote for each part of its quota equivalent to one hundred thousand United States dollars.

(b) Whenever voting is required under Article V, Section 4 or 5, each member shall have the number of votes to which it is entitled under (a) above, adjusted

(i) by the addition of one vote for the equivalent of each four hundred thousand United States dollars of net sales of its currency up to the date when the vote is taken, or

(ii) by the subtraction of one vote for the equivalent of each four hundred thousand United States dollars of its net purchases of the currencies of other members up to the date when the vote is taken; provided, that neither net purchases nor net sales shall be deemed at any time to exceed an amount equal to the quota of the member involved.

(c) For the purpose of all computations under this Section, United States dollars shall be deemed to be of the weight and fineness in effect on July 1, 1944, adjusted for any uniform change under Article IV, Section 7, if a waiver is made under Section 8 (d) of that Article.

(d) Except as otherwise specifically provided, all decisions of the Fund shall be made by a majority of the votes cast.

Sec. 6. *Distribution of net income*.—(a) The Board of Governors shall determine annually what part of the Fund's net income shall be placed to reserve and what part, if any, shall be distributed.

(b) If any distribution is made, there shall first be distributed a two percent non-cumulative payment to each member on the amount by which seventy-five percent of its quota exceeded the Fund's average holdings of its currency during that year. The balance shall be paid to all members in proportion to their quotas. Payments to each member shall be made in its own currency.

Sec. 7. *Publication of reports*.—(a) The Fund shall publish an annual report containing an audited statement of its accounts, and shall issue, at intervals of three months or less, a summary statement of its transactions and its holdings of gold and currencies of members.

(*Art. 12, contin.*)

(b) The Fund may publish such other reports as it deems desirable for carrying out its purposes.

Sec. 8. *Communication of views to members.*—The Fund shall at all times have the right to communicate its views informally to any member on any matter arising under this Agreement. The Fund may, by a two-thirds majority of the total voting power, decide to publish a report made to a member regarding its monetary or economic conditions and developments which directly tend to produce a serious disequilibrium in the international balance of payments of members. If the member is not entitled to appoint an executive director, it shall be entitled to representation in accordance with Section 3 (j) of this Article. The Fund shall not publish a report involving changes in the fundamental structure of the economic organization of members.

OFFICES AND DEPOSITORIES

Art. 13. Section 1. Location of offices.—The principal office of the Fund shall be located in the territory of the member having the largest quota, and agencies or branch offices may be established in the territories of other members.

Sec. 2. *Depositories.*—(a) Each member country shall designate its central bank as a depository for all the Fund's holdings of its currency, or if it has no central bank it shall designate such other institution as may be acceptable to the Fund.

(b) The Fund may hold other assets, including gold, in the depositories designated by the five members having the largest quotas and in such other designated depositories as the Fund may select. Initially, at least one half of the holdings of the Fund shall be held in the depository designated by the member in whose territories the Fund has its principal office and at least forty percent shall be held in the depositories designated by the remaining four members referred to above. However, all transfers of gold by the Fund shall be made with due regard to the costs of transport and anticipated requirements of the Fund. In an emergency the Executive Directors may transfer all or any part of the Fund's gold holdings to any place where they can be adequately protected.

Sec. 3. *Guarantee of the Fund's assets.*—Each member guarantees all assets of the Fund against loss resulting from failure or default on the part of the depository designated by it.

TRANSITIONAL PERIOD

Art. 14. Section 1. Introduction.—The Fund is not intended to provide facilities for relief or reconstruction or to deal with international indebtedness arising out of the war.

Sec. 3. *Exchange restrictions.*—In the post-war transitional period members may, notwithstanding the provisions of any other articles of this Agreement, maintain and adapt to changing circumstances (and, in the case of members whose territories have been occupied by the enemy,

(*Art. 14, contin.*)

introduce where necessary) restrictions on payments and transfers for current international transactions. Members shall, however, have continuous regard in their foreign exchange policies to the purposes of the Fund; and, as soon as conditions permit, they shall take all possible measures to develop such commercial and financial arrangements with other members as will facilitate international payments and the maintenance of exchange stability. In particular, members shall withdraw restrictions maintained or imposed under this Section as soon as they are satisfied that they will be able, in the absence of such restrictions, to settle their balance of payments in a manner which will not unduly encumber their access to the resources of the Fund.

Sec. 3. *Notification to the Fund.*—Each member shall notify the Fund before it becomes eligible under Article 20, Section 4 (c) or (d), to buy currency from the Fund, whether it intends to avail itself of the transitional arrangements in Section 2 of this Article, or whether it is prepared to accept the obligations of Article 8, Sections 2, 3, and 4. A member availing itself of the transitional arrangements shall notify the Fund as soon thereafter as it is prepared to accept the above-mentioned obligations.

Sec. 4. *Action of the Fund relating to restrictions.*—Not later than three years after the date on which the Fund begins operations and in each year thereafter, the Fund shall report on the restrictions still in force under Section 2 of this Article. Five years after the date on which the Fund begins operations, and in each year thereafter, any member still retaining any restrictions inconsistent with Article VIII, Sections 2, 3, or 4, shall consult the Fund as to their further retention. The Fund may, if it deems such action necessary in exceptional circumstances, make representations to any member that conditions are favorable for the withdrawal of any particular restriction, or for the general abandonment of restrictions, inconsistent with the provisions of any other article of this Agreement. The member shall be given a suitable time to reply to such representations. If the Fund finds that the member persists in maintaining restrictions which are inconsistent with the purposes of the Fund, the member shall be subject to Article 15, Section 2 (a).

Sec. 5. *Nature of transitional period.*—In its relations with members, the Fund shall recognize that the postwar transitional period will be one of change and adjustment and in making decisions on requests occasioned thereby which are presented by any member it shall give the member the benefit of any reasonable doubt.

WITHDRAWAL FROM MEMBERSHIP

Art. 15. Section 1. Right of members to withdraw.—Any member may withdraw from the Fund at any time by transmitting a notice in writing to the Fund at its principal office. Withdrawal shall become effective on the date such notice is received.

Sec. 2. *Compulsory withdrawal.*—(a) If a member fails to fulfil any of its obligations under this Agreement, the Fund may declare the member ineligible to use the resources of the Fund. Nothing in this Section shall

(*Art. 15, contin.*)

be deemed to limit the provisions of Article 4, Section 6, Article 5, Section 5 or Article 6, Section 1.

(b) If, after the expiration of a reasonable period the member persists in its failure to fulfil any of its obligations under this Agreement, or a difference between a member and the Fund under Article 6, Section 6, continues, that member may be required to withdraw from membership in the Fund by a decision of the Board of Governors carried by a majority of the governors representing a majority of the total voting power.

(c) Regulations shall be adopted to ensure that before action is taken against any member under (a) or (b) above, the member shall be informed in reasonable time of the complaint against it and given an adequate opportunity for stating its case, both orally and in writing.

Sec. 3. *Settlement of accounts with members withdrawing.*—When a member withdraws from the Fund, normal transactions of the Fund in its currency shall cease and settlement of all accounts between it and the Fund shall be made with reasonable despatch by agreement between it and the Fund. If agreement is not reached promptly, the provisions of Schedule D shall apply to the settlement of accounts.

EMERGENCY PROVISIONS

Art. 16. Section 1. Temporary suspension.—(a) In the event of an emergency or the development of unforeseen circumstances threatening the operations of the Fund, the Executive Directors by unanimous vote may suspend for a period of not more than one hundred and twenty days the operation of any of the following provisions:

- (i) Article 4, Sections 3 and 4 (b).
- (ii) Article 5, Sections, 2 3, 7, 8 (a) and (f).
- (iii) Article 6, Section 2.
- (iv) Article 11, Section 1.

(b) Simultaneously with any decision to suspend the operation of any of the foregoing provisions, the Executive Directors shall call a meeting of the Board of Governors for the earliest practicable date.

(c) The Executive Directors may not extend any suspension beyond one hundred and twenty days. Such suspension may be extended, however, for an additional period of not more than two hundred and forty days, if the Board of Governors by a four-fifths majority of the total voting power so decides, but it may not be further extended except by amendment of this Agreement pursuant to Article 17.

(d) The Executive Directors may, by a majority of the total voting power, terminate such suspension at any time.

Sec. 2. *Liquidation of the Fund.*—(a) The Fund may not be liquidated except by decision of the Board of Governors. In an emergency, if the Executive Directors decide that liquidation of the Fund may be necessary they may temporarily suspend all transactions, pending decision by the Board.

(b) If the Board of Governors decides to liquidate the Fund, the Fund shall forthwith cease to engage in any activities except those incidental to

(*Art. 16, contin.*)

the orderly collection and liquidation of its assets and the settlement of its liabilities, and all obligations of members under this Agreement shall cease except those set out in this Article, in Article 18, paragraph (c), in Schedule D, paragraph 7, and in Schedule E.

(c) Liquidation shall be administered in accordance with the provisions of Schedule E.

AMENDMENTS

Art. 17. (a) Any proposal to introduce modifications in this Agreement, whether emanating from a member, a governor or the Executive Directors, shall be communicated to the chairman of the Board of Governors who shall bring the proposal before the Board. If the proposed amendment is approved by the Board the Fund shall, by circular letter or telegram, ask all members whether they accept the proposed amendment. When three-fifths of the members, having four-fifths of the total voting power, have accepted the proposed amendment, the Fund shall certify the fact by a formal communication addressed to all members.

(b) Notwithstanding (a) above, acceptance by all members is required in the case of any amendment modifying

- (i) the right to withdraw from the Fund (Article 15, Section 1);
- (ii) the provision that no change in a member's quota shall be made without its consent (Article 3, Section 2);
- (iii) the provision that no change may be made in the par value of a member's currency except on the proposal of that member (Article 14, Section 5 (b)).

(c) Amendments shall enter into force for all members three months after the date of the formal communication unless a shorter period is specified in the circular letter or telegram.

INTERPRETATION

Art. 18. (a) Any question of interpretation of the provisions of this Agreement arising between any member and the Fund or between any members of the Fund shall be submitted to the Executive Directors for their decision. If the question particularly affects any member not entitled to appoint an executive director it shall be entitled to representation in accordance with Article 12, Section 3 (j).

(b) In any case where the Executive Directors have given a decision under (a) above, any member may require that the question be referred to the Board of Governors, whose decision shall be final. Pending the result of the reference to the Board the Fund may, so far as it deems necessary, act on the basis of the decision of the Executive Directors.

(c) Whenever a disagreement arises between the Fund and a member which has withdrawn, or between the Fund and any member during liquidation of the Fund, such disagreement shall be submitted to arbitration by a tribunal of three arbitrators, one appointed by the Fund, another by the member or withdrawing member and an umpire who, unless the parties otherwise agree, shall be appointed by the President of the Perma-

(*Art. 18, contin.*)

nent Court of International Justice or such other authority as may have been prescribed by regulation adopted by the Fund. The umpire shall have full power to settle all questions of procedure in any case where the parties are in disagreement with respect thereto.

EXPLANATION OF TERMS

Art. 19. In interpreting the provisions of this Agreement the Fund and its members shall be guided by the following:

(a) A member's monetary reserves means its net official holdings of gold, of convertible currencies of other members, and of the currencies of such non-members as the Fund may specify.

(b) The official holdings of a member means central holdings (that is, the holdings of its Treasury, central bank, stabilization fund, or similar fiscal agency).

(c) The holdings of other official institutions or other banks within its territories may, in any particular case, be deemed by the Fund, after consultation with the member, to be official holdings to the extent that they are substantially in excess of working balances; provided that for the purpose of determining whether, in a particular case, holdings are in excess of working balances, there shall be deducted from such holdings amounts of currency due to official institutions and banks in the territories of members or non-members specified under (d) below.

(d) A member's holdings of convertible currencies means its holdings of the currencies of other members which are not availing themselves of the transitional arrangements under Article 14, Section 2, together with its holdings of the currencies of such non-members as the Fund may from time to time specify. The term currency for this purpose includes without limitation coins, paper money, bank balances, bank acceptances, and government obligations issued with a maturity not exceeding twelve months.

(e) A member's monetary reserves shall be calculated by deducting from its central holdings the currency liabilities to the Treasuries, central banks, stabilization funds, or similar fiscal agencies of other members or non-members specified under (d) above, together with similar liabilities to other official institutions and other banks in the territories of members, or non-members specified under (d) above. To these net holdings shall be added the sums deemed to be official holdings of other official institutions and other banks under (c) above.

(f) The Fund's holdings of the currency of a member shall include any securities accepted by the Fund under Article 3, Section 5.

(g) The Fund, after consultation with a member which is availing itself of the transitional arrangements under Article 14, Section 2, may deem holdings of the currency of that member which carry specified rights of conversion into another currency or into gold to be holdings of convertible currency for the purpose of the calculation of monetary reserves.

(h) For the purpose of calculating gold subscriptions under Article 3, Section 3, a member's net official holdings of gold and United States dollars shall consist of its official holdings of gold and United States

(*Art. 19, contin.*)

currency after deducting central holdings of its currency by other countries and holdings of its currency by other official institutions and other banks if these holdings carry specified rights of conversion into gold or United States currency.

(i) Payments for current transactions means payments which are not for the purpose of transferring capital, and includes, without limitation:

(i) All payments due in connection with foreign trade, other current business, including services, and normal short-term banking and credit facilities;

(ii) Payments due as interest on loans and as net income from other investments;

(iii) Payments of moderate amount for amortization of loans or for depreciation of direct investments;

(iv) Moderate remittances for family living expenses.

The Fund may, after consultation with the members concerned, determine whether certain specific transactions are to be considered current transactions or capital transactions.

FINAL PROVISIONS

Art. 20. Section 1. Entry into force.—This Agreement shall enter into force when it has been signed on behalf of governments having sixty-five percent of the total of the quotas set forth in Schedule A and when the instruments referred to in Section 2 (a) of this Article have been deposited on their behalf, but in no event shall this Agreement enter into force before May 1, 1945.

Sec. 2. Signature.—(a) Each government on whose behalf this Agreement is signed shall deposit with the Government of the United States of America an instrument setting forth that it has accepted this Agreement in accordance with its law and has taken all steps necessary to enable it to carry out all of its obligations under this Agreement.

(b) Each government shall become a member of the Fund as from the date of the deposit on its behalf of the instrument referred to in (a) above, except that no government shall become a member before this Agreement enters into force under Section 1 of this Article.

(c) The Government of the United States of America shall inform the governments of all countries whose names are set forth in Schedule A, and all governments whose membership is approved in accordance with Article II, Section 2, of all signatures of this Agreement and of the deposit of all instruments referred to in (a) above.

(d) At the time this Agreement is signed on its behalf, each government shall transmit to the Government of the United States of America one one-hundredth of one percent of its total subscription in gold or United States dollars for the purpose of meeting administrative expenses of the Fund. The Government of the United States of America shall hold such funds in a special deposit account and shall transmit them to the Board of Governors of the Fund when the initial meeting has been called under Section 3 of this Article. If this Agreement has not come into force by December 31,

(Art. 20, *contin.*)

1945, the Government of the United States of America shall return such funds to the governments that transmitted them.

(e) This Agreement shall remain open for signature at Washington on behalf of the governments of the countries whose names are set forth in Schedule A until December 31, 1945.

(f) After December 31, 1945, this Agreement shall be open for signature on behalf of the government of any country whose membership has been approved in accordance with Article 2, Section 2.

(g) By their signature of this Agreement, all governments accept it both on their own behalf and in respect of all their colonies, overseas territories, all territories under their protection, suzerainty, or authority and all territories in respect of which they exercise a mandate.

(h) In the case of governments whose metropolitan territories have been under enemy occupation, the deposit of the instrument referred to in (a) above may be delayed until one hundred eighty days after the date on which these territories have been liberated. If, however, it is not deposited by any such government before the expiration of this period the signature affixed on behalf of that government shall become void and the portion of its subscription paid under (d) above shall be returned to it.

(i) Paragraphs (d) and (h) shall come into force with regard to each signatory government as from the date of its signature.

Sec. 3. *Inauguration of the Fund.*—(a) As soon as this Agreement enters into force under Section 1 of this Article, each member shall appoint a governor and the member having the largest quota shall call the first meeting of the Board of Governors.

(b) At the first meeting of the Board of Governors, arrangements shall be made for the selection of provisional executive directors. The governments of the five countries for which the largest quotas are set forth in Schedule A shall appoint provisional executive directors. If one or more of such governments have not become members, the executive directorships they would be entitled to fill shall remain vacant until they become members, or until January 1, 1946, whichever is the earlier. Seven provisional executive directors shall be elected in accordance with the provisions of Schedule C and shall remain in office until the date of the first regular election of executive directors which shall be held as soon as practicable after January 1, 1946.

(c) The Board of Governors may delegate to the provisional executive directors any powers except those which may not be delegated to the Executive Directors.

Sec. 4. *Initial determination of par values.*—(a) When the Fund is of the opinion that it will shortly be in a position to begin exchange transactions, it shall so notify the members and shall request each member to communicate within thirty days the par value of its currency based on the rates of exchange prevailing on the sixtieth day before the entry into force of this Agreement. No member whose metropolitan territory has been occupied by the enemy shall be required to make such a communication while that territory is a theater of major hostilities or for such period

(*Art. 20, contin.*)

thereafter as the Fund may determine. When such a member communicates the par value of its currency the provisions of (d) below shall apply.

(b) The par value communicated by a member whose metropolitan territory has not been occupied by the enemy shall be the par value of that member's currency for the purposes of this Agreement unless, within ninety days after the request referred to in (a) above has been received, (i) the member notifies the Fund that it regards the par value as unsatisfactory, or (ii) the Fund notifies the member that in its opinion the par value cannot be maintained without causing recourse to the Fund on the part of that member or others on a scale prejudicial to the Fund and to members. When notification is given under (i) or (ii) above, the Fund and the member shall, within a period determined by the Fund in the light of all relevant circumstances, agree upon a suitable par value for that currency. If the Fund and the member do not agree within the period so determined, the member shall be deemed to have withdrawn from the Fund on the date when the period expires.

(c) When the par value of a member's currency has been established under (b) above, either by the expiration of ninety days without notification, or by agreement after notification, the member shall be eligible to buy from the Fund the currencies of other members to the full extent permitted in this Agreement, provided that the Fund has begun exchange transactions.

(d) In the case of a member whose metropolitan territory has been occupied by the enemy, the provisions of (b) above shall apply, subject to the following modifications:

(i) The period of ninety days shall be extended so as to end on a date to be fixed by agreement between the Fund and the member.

(ii) Within the extended period the member may, if the Fund has begun exchange transactions, buy from the Fund with its currency the currencies of other members, but only under such conditions and in such amount as may be prescribed by the Fund.

(iii) At any time before the date fixed under (i) above, changes may be made by agreement with the Fund in the par value communicated under (a) above.

(e) If a member whose metropolitan territory has been occupied by the enemy adopts a new monetary unit before the date to be fixed under (d) (i) above, the par value fixed by that member for the new unit shall be communicated to the Fund and the provisions of (d) above shall apply.

(f) Changes in par values agreed with the Fund under this Section shall not be taken into account in determining whether a proposed change falls within (i), (ii), or (iii) of Article IV, Section 5 (c).

(g) A member communicating to the Fund a par value for the currency of its metropolitan territory shall simultaneously communicate a value, in terms of that currency, for each separate currency, where such exists, in the territories in respect of which it has accepted this Agreement under Section 2 (g) of this Article, but no member shall be required to make a communication for the separate currency of a territory which has been occupied by the enemy while that territory is a theater of major hostilities

(*Art. 20, contin.*)

or for such period thereafter as the Fund may determine. On the basis of the par value so communicated, the Fund shall compute the par value of each separate currency. A communication or notification to the Fund under (a), (b) or (d) above regarding the par value of a currency, shall also be deemed, unless the contrary is stated, to be a communication or notification regarding the par value of all the separate currencies referred to above. Any member may, however, make a communication or notification relating to the metropolitan or any of the separate currencies alone. If the member does so, the provisions of the preceding paragraphs (including (d) above, if a territory where a separate currency exists has been occupied by the enemy) shall apply to each of these currencies separately.

(h) The Fund shall begin exchange transactions at such date as it may determine after members having sixty-five percent of the total of the quotas set forth in Schedule A have become eligible, in accordance with the preceding paragraphs of this Section, to purchase the currencies of other members, but in no event until after major hostilities in Europe have ceased.

(i) The Fund may postpone exchange transactions with any member if its circumstances are such that, in the opinion of the Fund, they would lead to use of the resources of the Fund in a manner contrary to the purposes of this Agreement or prejudicial to the Fund or the members.

(j) The par values of the currencies of governments which indicate their desire to become members after December 31, 1945, shall be determined in accordance with the provisions of Article 2, Section 2.

Done at Washington, in a single copy which shall remain deposited in the archives of the Government of the United States of America, which shall transmit certified copies to all governments whose names are set forth in Schedule A and to all governments whose membership is approved in accordance with Article 2, Section 2.

SCHEDULE A. QUOTAS ¹

[In millions of United States dollars]

Afghanistan	22.50	Israel	25
Argentina	280	Italy	270
Australia	400	Japan	500
Austria	75	Jordan	4.50
Belgium	337.50	Korea	18.75
Bolivia	22.50	Lebanon	4.50
Brazil	280	Libya	9
Burma	30	Luxembourg	11
Canada	550	Malaya	30
Ceylon	45	Mexico	180
Chile	100	Morocco	52.50
China	550	Netherlands	412.50
Colombia	100	Nicaragua	11.25
Costa Rica	5.50	Norway	100
Cuba	50	Pakistan	150
Denmark	130	Panama . . . . .	.50
Dominican Republic	15	Paraguay	10
Ecuador	15	Peru	30
El Salvador	11.25	Philippines	75
Ethiopia	9.60	Saudi Arabia	55
Finland	57	Spain	150
France	787.50	Sudan	15
Germany	787.50	Sweden	150
Ghana	35	Thailand	45
Greece	60	Tunisia	14.10
Guatemala	15	Turkey	86
Haiti	11.25	U. South Africa	150
Honduras	11.25	U. Arab Republic	105
Iceland	11.25	United Kingdom	1,950
India	600	United States	4,125
Indonesia	165	Uruguay	15
Iran	70	Venezuela	150
Iraq	15	Vietnam	16.50
Ireland	45	Yugoslavia	120
		Total	14,740.70

SCHEDULE B. PROVISIONS WITH RESPECT TO REPURCHASE BY A MEMBER OF ITS CURRENCY HELD BY THE FUND

1. In determining the extent to which repurchase of a member's currency from the Fund under Article 5, Section 7 (b), shall be made with each type of monetary reserve, that is, with gold and with each convertible currency, the following rule, subject to 2 below, shall apply:

(a) If the member's monetary reserves have not increased during the year, the amount payable to the Fund shall be distributed among all types of reserves in proportion to the member's holdings thereof at the end of the year.

(a) If the member's monetary reserves have not increased during the year, the amount payable to the Fund shall be distributed among all types of reserves in proportion to the member's holdings thereof at the end of the year.

(b) If the member's monetary reserves have increased during the year,

¹ IMF Directory, January 19, 1961.

a part of the amount payable to the Fund equal to one-half of the increase shall be distributed among those types of reserves which have increased in proportion to the amount by which each of them has increased. The remainder of the sum payable to the Fund shall be distributed among all types of reserves in proportion to the member's remaining holdings thereof.

(c) If after all the repurchases required under Article 5, Section 7 (b), had been made, the result would exceed any of the limits specified in Article 5, Section 7 (c) the Fund shall require such repurchases to be made by the members proportionately in such manner that the limits will not be exceeded.

2. The Fund shall not acquire the currency of any non-member under Article 5, Section 7 (b) and (c).

3. In calculating monetary reserves and the increase in monetary reserves during any year for the purpose of Article 5, Section 7 (b) and (c), no account shall be taken, unless deductions have otherwise been made by the member for such holdings, of any increase in those monetary reserves which is due to currency previously inconvertible having become convertible during the year; or to holdings which are the proceeds of a long-term or medium-term loan contracted during the year; or to holdings which have been transferred or set aside for repayment of a loan during the subsequent year.

4. In the case of members whose metropolitan territories have been occupied by the enemy, gold newly produced during the five years after the entry into force of this Agreement from mines located within their metropolitan territories shall not be included in computations of their monetary reserves or of increases in their monetary reserves.

SCHEDULE C. ELECTION OF EXECUTIVE DIRECTORS

1. The election of the elective executive directors shall be by ballot of the governors eligible to vote under Article 12, Section 3 (b) (iii) and (iv).

2. In balloting for the five directors to be elected under Article 12, Section 3 (b) (iii), each of the governors eligible to vote shall cast for one person all of the votes to which he is entitled under Article 12, Section 5 (a). The five persons receiving the greatest number of votes shall be directors, provided that no person who received less than nineteen percent of the total number of votes that can be cast (eligible votes) shall be considered elected.

3. When five persons are not elected on the first ballot, a second ballot shall be held in which the person who received the lowest number of votes shall be ineligible for election and in which there shall vote only (a) those governors who voted in the first ballot for a person not elected, and (b) those governors whose votes for a person elected are deemed under 4 below to have raised the votes cast for that person above twenty percent of the eligible votes.

4. In determining whether the votes cast by a governor are to be deemed to have raised the total of any person above twenty percent of the eligible votes the twenty percent shall be deemed to include, first, the votes of the governor casting the largest number of votes for such person, then

the votes of the governor casting the next largest number, and so on until twenty percent is reached.

5. Any governor, part of whose votes must be counted in order to raise the total of any person above nineteen percent, shall be considered as casting all of his votes for such person even if the total votes for such person thereby exceed twenty percent.

6. If, after the second ballot, five persons have not been elected, further ballots shall be held on the same principles until five persons have been elected, provided that after four persons are elected, the fifth may be elected by a simple majority of the remaining votes and shall be deemed to have been elected by all such votes.

7. The directors to be elected by the American Republics under Article 12, Section 3 (b) (iv) shall be elected as follows:

(a) Each of the directors shall be elected separately.

(b) In the election of the first director, each governor representing an American Republic eligible to participate in the election shall cast for one person all the votes to which he is entitled. The person receiving the largest number of votes shall be elected provided that he has received not less than forty-five percent of the total votes.

(c) If no person is elected on the first ballot, further ballots shall be held in each of which the person receiving the lowest number of votes shall be eliminated, until one person receives a number of votes sufficient for election under (b) above.

(d) Governors whose votes contributed to the election of the first director shall take no part in the election of the second director.

(e) Persons who did not succeed in the first election shall not be ineligible for election as the second director.

(f) A majority of the votes which can be cast shall be required for election of the second director. If at the first ballot no person receives a majority, further ballots shall be held in each of which the person receiving the lowest number of votes shall be eliminated, until some person obtains a majority.

(g) The second director shall be deemed to have been elected by all the votes which could have been cast in the ballot securing his election.

SCHEDULE D. SETTLEMENT OF ACCOUNTS WITH MEMBERS WITHDRAWING

1. The Fund shall be obligated to pay to a member withdrawing an amount equal to its quota, plus any other amounts due to it from the Fund less any amounts due to the Fund, including charges accruing after the date of its withdrawal; but no payment shall be made until six months after the date of withdrawal. Payments shall be made in the currency of the withdrawing member.

2. If the Fund's holdings of the currency of the withdrawing member are not sufficient to pay the net amount due from the Fund, the balance shall be paid in gold, or in such other manner as may be agreed. If the Fund and the withdrawing member do not reach agreement within six months of the date of withdrawal, the currency in question held by the Fund shall be paid forthwith to the withdrawing member. Any balance due shall be paid in ten half-yearly instalments during the ensuing five years. Each such instalment shall be paid, at the option of the Fund,

either in the currency of the withdrawing member acquired after its withdrawal or by the delivery of gold.

3. If the Fund fails to meet any instalment which is due in accordance with the preceding paragraphs, the withdrawing member shall be entitled to require the Fund to pay the instalment in any currency held by the Fund with the exception of any currency which has been declared scarce under Article 7, Section 3.

4. If the Fund's holdings of the currency of a withdrawing member exceed the amount due to it, and if agreement on the method of settling accounts is not reached within six months of the date of withdrawal, the former member shall be obligated to redeem such excess currency in gold or, at its option, in the currencies of members which at the time of redemption are convertible. Redemption shall be made at the parity existing at the time of withdrawal from the Fund. The withdrawing member shall complete redemption within five years of the date of withdrawal, or within such longer period as may be fixed by the Fund, but shall not be required to redeem in any half-yearly period more than one-tenth of the Fund's excess holdings of its currency at the date of withdrawal plus further acquisitions of the currency during such half-yearly period. If the withdrawing member does not fulfill this obligation, the Fund may in an orderly manner liquidate in any market the amount of currency which should have been redeemed.

5. Any member desiring to obtain the currency of a member which has withdrawn shall acquire it by purchase from the Fund, to the extent that such member has access to the resources of the Fund and that such currency is available under 4 above.

6. The withdrawing member guarantees the unrestricted use at all times of the currency disposed of under 4 and 5 above for the purchase of goods or for payment of sums due to it or to persons within its territories. It shall compensate the Fund for any loss resulting from the difference between the par value of its currency on the date of withdrawal and the value realized by the Fund on disposal under 4 and 5 above.

7. In the event of the Fund going into liquidation under Article 16, Section 2, within six months of the date on which the member withdraws, the account between the Fund and that government shall be settled in accordance with Article 16, Section 2 and Schedule E.

SCHEDULE E. ADMINISTRATION OF LIQUIDATION

1. In the event of liquidation the liabilities of the Fund other than the repayment of subscriptions shall have priority in the distribution of the assets of the Fund. In meeting each such liability the Fund shall use its assets in the following order:

- (a) the currency in which the liability is payable;
- (b) gold;
- (c) all other currencies in proportion, so far as may be practicable to the quotas of the members.

2. After the discharge of the Fund's liabilities in accordance with 1

above, the balance of the Fund's assets shall be distributed and apportioned as follows:

(a) The Fund shall distribute its holdings of gold among the members whose currencies are held by the Fund in amounts less than their quotas. These members shall share the gold so distributed in the proportions of the amounts by which their quotas exceed the Fund's holdings of their currencies.

(b) The Fund shall distribute to each member one-half the Fund's holdings of its currency but such distribution shall not exceed fifty percent of its quota.

(c) The Fund shall apportion the remainder of its holdings of each currency among all the members in proportion to the amounts due to each member after the distributions under (a) and (b) above.

3. Each member shall redeem the holdings of its currency apportioned to other members under 2 (c) above, and shall agree with the Fund within three months after a decision to liquidate upon an orderly procedure for such redemption.

4. If a member has not reached agreement with the Fund within the three-month period referred to in 3 above, the Fund shall use the currencies of other members apportioned to that member under 2 (c) above to redeem the currency of that member apportioned to other members. Each currency apportioned to a member which has not reached agreement shall be used, so far as possible, to redeem its currency apportioned to the members which have made agreements with the Fund under 3 above.

5. If a member has reached agreement with the Fund in accordance with 3 above, the Fund shall use the currencies of other members apportioned to that member under 2 (c) above to redeem the currency of that member apportioned to other members which have made agreements with the Fund under 3 above. Each amount so redeemed shall be redeemed in the currency of the member to which it was apportioned.

6. After carrying out the preceding paragraphs, the Fund shall pay to each member the remaining currencies held for its account.

7. Each member whose currency has been distributed to other members under 6 above shall redeem such currency in gold or, at its option, in the currency of the member requesting redemption, or in such other manner as may be agreed between them. If the members involved do not otherwise agree, the member obligated to redeem shall complete redemption within five years of the date of distribution, but shall not be required to redeem in any half-yearly period more than one-tenth of the amount distributed to each other member. If the member does not fulfill this obligation, the amount of currency which should have been redeemed may be liquidated in an orderly manner in any market.

8. Each member whose currency has been distributed to other members under 6 above guarantees the unrestricted use of such currency at all times for the purchase of goods or for payments of sums due to it or to persons in its territories. Each member so obligated agrees to compensate other members for any loss resulting from the difference between the par value of its currency on the date of the decision to liquidate the Fund and the value realized by such members on disposal of its currency.

AGREEMENT BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL MONETARY FUND

November 15, 1947

GENERAL

Art. 1. 1. This agreement, which is entered into by the United Nations pursuant to the provisions of Article 63 of its Charter, and by the International Monetary Fund (hereinafter called the Fund), pursuant to the provisions of article 10 of its Articles of Agreement, is intended to define the terms on which the United Nations and the Fund shall be brought into relationship.

2. The Fund is a specialized agency established by agreement among its member governments and having wide international responsibilities, as defined in its Articles of Agreement, in economic and related fields within the meaning of Article 57 of the Charter of the United Nations. By reason of the nature of its international responsibilities and the terms of its Articles of Agreement, the Fund is, and is required to function as, an independent international organization.

3. The United Nations and the Fund are subject to certain necessary limitations for the safeguarding of confidential material furnished to them by their members or others, and nothing in this agreement shall be construed to require either of them to furnish any information the furnishing of which would, in its judgment, constitute a violation of the confidence of any of its members or anyone from whom it shall have received such information, or which would otherwise interfere with the orderly conduct of its operations.

RECIPROCAL REPRESENTATION

Art. 2. 1. Representatives of the United Nations shall be entitled to attend, and to participate without vote in, meetings of the Board of Governors of the Fund. Representatives of the United Nations shall be invited to participate without vote in meetings especially called by the Fund for the particular purpose of considering the United Nations point of view in matters of concern to the United Nations.

2. Representatives of the Fund shall be entitled to attend meetings of the General Assembly of the United Nations for purposes of consultation.

3. Representatives of the Fund shall be entitled to attend, and to participate without vote in, meetings of the committees of the General Assembly, meetings of the Economic and Social Council, of the Trusteeship Council and of their respective subsidiary bodies, dealing with matters in which the Fund has an interest.

4. Sufficient advance notice of these meetings and their agenda shall be given so that, in consultation, arrangements can be made for adequate representation.

PROPOSAL OF AGENDA ITEMS

Art. 3. In preparing the agenda for meetings of the Board of Governors, the Fund will give due consideration to the inclusion in the agenda of items proposed by the United Nations. Similarly, the Council and its commissions and the Trusteeship Council will give due consideration to the inclusion in their agenda of items proposed by the Fund.

CONSULTATION AND RECOMMENDATIONS

Art. 4. 1. The United Nations and the Fund shall consult together and exchange views on matters of mutual interest.

2. Neither organization, nor any of their subsidiary bodies, will present any formal recommendations to the other without reasonable prior consultation with regard thereto. Any formal recommendations made by either organization after such consultation will be considered as soon as possible by the appropriate organ of the other.

EXCHANGE OF INFORMATION

Art. 5. The United Nations and the Fund will, to the fullest extent practicable and subject to paragraph 3 of article 1, arrange for the current exchange of information and publications of mutual interest, and the furnishing of special reports and studies upon request.

SECURITY COUNCIL

Art. 6. 1. The Fund takes note of the obligation assumed, under paragraph 2 of Article 48 of the United Nations Charter, by such of its members as are also Members of the United Nations, to carry out the decisions of the Security Council through their action in the appropriate specialized agencies of which they are members, and will, in the conduct of its activities, have due regard for decisions of the Security Council under Articles 41 and 42 of the United Nations Charter.

2. The Fund agrees to assist the Security Council by furnishing to it information in accordance with the provisions of article 5 of this agreement.

ASSISTANCE TO THE TRUSTEESHIP COUNCIL

Art. 7. The Fund agrees to co-operate with the Trusteeship Council in the carrying out of its functions by furnishing information and technical assistance upon request, and in such other similar ways as may be consistent with the Articles of Agreement of the Fund.

INTERNATIONAL COURT OF JUSTICE

Art. 8. The General Assembly of the United Nations hereby authorizes the Fund to request advisory opinions of the International Court of Justice on any legal questions arising within the scope of the Fund's activities other than questions relating to the relationship between the Fund and the United Nations or any specialized agency. Whenever the Fund shall

request the Court for an advisory opinion, the Fund will inform the Economic and Social Council of the request.

STATISTICAL SERVICES

Art. 9. 1. In the interests of efficiency and for the purpose of reducing the burden on national Governments and other organizations, the United Nations and the Fund agree to co-operate in eliminating unnecessary duplication in the collection, analysis, publication and dissemination of statistical information.

2. The Fund recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations, without prejudice to the right of the Fund to concern itself with any statistics so far as they may be essential for its own purposes.

3. The United Nations recognizes the Fund as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with any statistics so far as they may be essential for its own purposes.

4. (a) In its statistical activities the Fund agrees to give full consideration to the requirements of the United Nations and of the specialized agencies.

(b) In its statistical activities the United Nations agrees to give full consideration to the requirements of the Fund.

5. The United Nations and the Fund agree to furnish each other promptly with all their non-confidential statistical information.

ADMINISTRATIVE RELATIONSHIPS

Art. 10. 1. The United Nations and the Fund will consult from time to time concerning personnel and other administrative matters of mutual interest, with a view to securing as much uniformity in these matters as they shall find practicable and to assuring the most efficient use of the services and facilities of the two organizations. These consultations shall include determination of the most equitable manner in which special services furnished by one organization to the other should be financed.

2. To the extent consistent with the provisions of this agreement, the Fund will participate in the work of the Co-ordination Committee and its subsidiary bodies.

3. The Fund will furnish to the United Nations copies of the annual report and the quarterly financial statements prepared by the Fund pursuant to section 7 (a) of article 5 of its Articles of Agreement. The United Nations agrees that, in the interpretation of paragraph 3 of Article 17 of the United Nations Charter it will take into consideration that the Fund does not rely for its annual budget upon contributions from its members, and that the appropriate authorities of the Fund enjoy full autonomy in deciding the form and content of such budget.

4. The officials of the Fund shall have the right to use the *laissez-passer*

of the United Nations in accordance with special arrangements to be negotiated between the Secretary-General of the United Nations and the competent authorities of the Fund.

AGREEMENTS WITH OTHER ORGANIZATIONS

Art. 11. The Fund will inform the Economic and Social Council of any formal agreement which the Fund shall enter into with any specialized agency, and in particular agrees to inform the Council of the nature and scope of any such agreement before it is concluded.

LIAISON

Art. 12. 1. The United Nations and the Fund agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective co-operation between the two organizations. Each agrees that it will establish within its own organization such administrative machinery as may be necessary to make the liaison, as provided for in this agreement, fully effective.

2. The arrangements provided for in the foregoing articles of this agreement shall apply, as far as is appropriate, to relations between such branch or regional offices as may be established by the two organizations, as well as between their central machinery.

MISCELLANEOUS

Art. 13. 1. The Secretary-General of the United Nations and the Managing Director of the Fund are authorized to make such supplementary arrangements as they shall deem necessary or proper to carry fully into effect the purposes of this agreement.

2. This agreement shall be subject to revision by agreement between the United Nations and the Fund from the date of its entry into force.

3. This agreement may be terminated by either party thereto on six months written notice to the other party, and thereupon all rights and obligations of both parties hereunder shall cease.

4. This agreement shall come into force when it shall have been approved by the General Assembly of the United Nations and the Board of Governors of the Fund.

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INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Convention for the High Seas Fisheries of the North Pacific Ocean was signed at Tokyo on May 9, 1952 and came into effect on June 12, 1953, upon the exchange of ratifications by the Governments concerned. The conclusion of such a convention had been recommended by the Tripartite Fisheries Conference of Canada, Japan and the United States, held at Tokyo from November 5 to December 14, 1951. This Conference was convened in accordance with the exchange of notes between Japan and the United States of February 7, 1951 and with Article 9 of the Treaty of Peace with Japan.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purpose of the Commission is "to promote and co-ordinate the scientific studies necessary to ascertain the conservation measures required to secure the maximum sustained productivity of fisheries of joint interest to the Contracting Parties and to recommend such measures to such Parties."¹ The Commission determines annually what stocks of fish qualify for conservation measures.²

ORGANS

The Commission is composed of three national sections, each consisting of not more than four members appointed by the governments of the respective Contracting Parties.³ Each national section has one vote. The Commission meets at least once a year.³

¹ Convention, Preamble.

² Id., Art. 3.

³ Id., Art. 2.

MEMBERSHIP

The members are Canada, Japan and the United States.

MEANS OF FINANCIAL SUPPORT

“Each Contracting Party shall determine and pay the expenses incurred by its national section. Joint expenses incurred by the Commission shall be paid by the Commission through contributions made by the Contracting Parties in the form and proportion recommended by the Commission and approved by the Contracting Parties.”¹

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Commission exchanges information with the Food and Agriculture Organization, the International Commission for the Northwest Atlantic Fisheries and various bilateral fisheries commissions.

HEADQUARTERS

The headquarters are at the University of British Columbia, Vancouver, Canada.

¹ Id., Art. 2 (11).

INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN¹

May 9, 1952

The Governments of the United States of America, Canada and Japan, whose respective duly accredited representatives have subscribed hereto,

Acting as sovereign nations in the light of their rights under the principles of international law and custom to exploit the fishery resources of the high seas, and

Believing that it will best serve the common interest of mankind, as well as the interests of the Contracting Parties, to ensure the maximum sustained productivity of the fishery resources of the North Pacific Ocean, and that each of the Parties should assume an obligation, on a free and equal footing, to encourage the conservation of such resources, and

Recognizing that in view of these considerations it is highly desirable (1) to establish an International Commission, representing the three Parties hereto, to promote and co-ordinate the scientific studies necessary to ascertain conservation measures required to secure the maximum sustained productivity of fisheries of joint interest to the Contracting Parties and to recommend such measures to such Parties and (2) that each Party carry out such conservation recommendations, and provide for necessary restraints on its own nationals and fishing vessels,

Therefore agree as follows:

Art. 1. 1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, other than territorial waters, of the North Pacific Ocean which for the purposes hereof shall include the adjacent seas.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Party in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. For the purposes of this Convention the term "fishing vessel" shall mean any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

Art. 2. 1. In order to realize the objectives of this Convention, the Contracting Parties shall establish and maintain the International North Pacific Fisheries Commission, hereinafter referred to as "the Commission".

2. The Commission shall be composed of three national sections, each consisting of not more than four members appointed by the governments of the respective Contracting Parties.

3. Each national section shall have one vote. All resolutions, recom-

¹ 82nd Congress, 2nd Session, Senate, Executive S.

(Art. 2, *contin.*)

mendations and other decisions of the Commission shall be made only by a unanimous vote of the three national sections except when under the provisions of Article 3, Section 1 (c) (ii) only two participate.

4. The Commission may decide upon and amend, as occasion may require, by-laws or rules for the conduct of its meetings.

5. The Commission shall meet at least once each year and at such other times as may be requested by a majority of the national sections. The date and place of the first meeting shall be determined by agreement between the Contracting Parties.

6. At its first meeting the Commission shall select a Chairman, Vice-Chairman and Secretary from different national sections. The Chairman, Vice-Chairman and Secretary shall hold office for a period of one year. During succeeding years selection of a Chairman, Vice-Chairman and Secretary from the national sections shall be made in such a manner as will provide each Contracting Party in turn with representation in those offices.

7. The Commission shall decide on a convenient place for the establishment of the Commission's headquarters.

8. Each Contracting Party may establish an Advisory Committee for its national section, to be composed of persons who shall be well informed concerning North Pacific fishery problems of common concern. Each such Advisory Committee shall be invited to attend all sessions of the Commission except those which the Commission decides to be *in camera*.

9. The Commission may hold public hearings. Each national section may also hold public hearings within its own country.

10. The official languages of the Commission shall be Japanese and English. Proposals and data may be submitted to the Commission in either language.

11. Each Contracting Party shall determine and pay the expenses incurred by its national section. Joint expenses incurred by the Commission shall be paid by the Commission through contributions made by the Contracting Parties in the form and proportion recommended by the Commission and approved by the Contracting Parties.

12. An annual budget of joint expenses shall be recommended by the Commission and submitted to the Contracting Parties for approval.

13. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its functions.

Art. 3. 1. The Commission shall perform the following functions:

(a) In regard to any stock of fish specified in the Annex, study for the purpose of determining annually whether such stock continues to qualify for abstention under the provisions of Article 4. If the Commission determines that such stock no longer meets the conditions of Article 4, the Commission shall recommend that it be removed from the Annex. Provided, however, that with respect to the stocks of fish originally specified in the Annex, no determination or recommendation as to whether such stock continues to qualify for abstention shall be made for five years after the entry into force of this Convention.

(*Art. 3, contin.*)

(b) To permit later additions to the Annex, study, on request of a Contracting Party, any stock of fish of the Convention area, the greater part of which is harvested by one or more of the Contracting Parties, for the purpose of determining whether such stock qualifies for abstention under the provisions of Article 4. If the Commission decides that the particular stock fulfills the conditions of Article 4 it shall recommend, (1) that such stock be added to the Annex, (2) that the appropriate Party or Parties abstain from fishing such stock and (3) that the Party or Parties participating in the fishing of such stock continue to carry out necessary conservation measures.

(c) In regard to any stock of fish in the Convention area;

(i) Study, on request of any Contracting Party concerned, any stock of fish which is under substantial exploitation by two or more of the Contracting Parties, and which is not covered by a conservation agreement between such Parties existing at the time of the conclusion of this Convention, for the determining need for joint conservation measures;

(ii) Decide and recommend necessary joint conservation measures including any relaxation thereof to be taken as a result of such study. Provided, however, that only the national sections of the Contracting Parties engaged in substantial exploitation of such stock of fish may participate in such decision and recommendation. The decisions and recommendations shall be reported regularly to all the Contracting Parties, but shall apply only to the Contracting Parties the national sections of which participated in the decisions and recommendations.

(iii) Request the Contracting Party or Parties concerned to report regularly the conservation measures adopted from time to time with regard to the stocks of fish specified in the Annex, whether or not covered by conservation agreements between the Contracting Parties, and transmit such information to the other Contracting Party or Parties.

(d) Consider and make recommendations to the Contracting Parties concerning the enactment of schedules of equivalent penalties for violations of this Convention.

(e) Compile and study the records provided by the Contracting Parties pursuant to Article 8.

(f) Submit annually to each Contracting Party a report on the Commission's operations, investigations and findings, with appropriate recommendations, and inform each Contracting Party, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

2. The Commission may take such steps, in agreement with the Parties concerned, as will enable it to determine the extent to which the undertakings agreed to by the Parties under the provisions of Article 5, Section 2 and the measures recommended by the Commission under the provisions of this Article and accepted by the Parties concerned have been effective.

3. In the performance of its functions, the Commission shall, insofar as feasible, utilize the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political subdivisions and may, when desirable and if available, utilize the services of, and information from, any public or private institution or organization or any private individual.

Art. 4. 1. In making its recommendations the Commission shall be guided by the spirit and intent of this Convention and by the considerations below mentioned.

(a) Any conservation measures for any stock of fish decided upon under the provisions of this Convention shall be recommended for equal application to all Parties engaged in substantial exploitation of such stock.

(b) With regard to any stock of fish which the Commission determines reasonably satisfies all the following conditions, a recommendation shall be made as provided for in Article 3, Section 1, (b).

(i) Evidence based upon scientific research indicates that more intensive exploitation of the stock will not provide a substantial increase in yield which can be sustained year after year

(ii) The exploitation of the stock is limited or otherwise regulated through legal measures by each Party which is substantially engaged in its exploitation, for the purpose of maintaining or increasing its maximum sustained productivity, such limitations and regulations being in accordance with conservation programs based upon scientific research.

(iii) The stock is the subject of extensive scientific study designed to discover whether the stock is being fully utilized and the conditions necessary for maintaining its maximum sustained productivity

Provided, however, that no recommendation shall be made for abstention by a Contracting Party concerned with regard to: (1) any stock of fish which at any time during the twenty-five years next preceding the entry into force of this Convention has been under substantial exploitation by that Party having regard to the conditions referred to in Section 2 of this Article; (2) any stock of fish which is harvested in greater part by a country or countries not party to this Convention; (3) waters in which there is historic intermingling of fishing operations of the Parties concerned, intermingling of the stocks of fish exploited by these operations, and a long-established history of joint conservation and regulation among the Parties concerned so that there is consequent impracticability of segregating the operations and administering control. It is recognized that the conditions specified in subdivision (3) of this proviso apply to Canada and the United States of America in the waters off the Pacific Coasts of the United States of America and Canada from and including the waters of the Gulf of Alaska southward and, therefore, no recommendation shall be made for abstention by either the United States of America or Canada in such waters.

2. In any decision or recommendation allowances shall be made for the effect of strikes, wars, or exceptional economic or biological conditions which may have introduced temporary declines in or suspension of productivity, exploitation, or management of the stock of fish concerned.

Art. 5. 1. The Annex attached hereto forms an integral part of this Convention. All references to "Convention" shall be understood as including the said Annex either in its present terms or as amended in accordance with the provisions of Article 7.

2. The Contracting Parties recognize that any stock of fish originally specified in the Annex to this Convention fulfills the conditions prescribed in Article 4 and accordingly agree that the appropriate Party or Parties

shall abstain from fishing such stock and the Party or Parties participating in the fishing of such stock shall continue to carry out necessary conservation measures.

Art. 6. In the event that it shall come to the attention of any of the Contracting Parties that the nationals or fishing vessels of any country which is not a Party to this Convention appear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention, such Party shall call the matter to the attention of other Contracting Parties. All the Contracting Parties agree upon the request of such Party to confer upon the steps to be taken towards obviating such adverse effects or relieving any Contracting Party from such adverse effects.

Art. 7. 1. The Annex to this Convention shall be considered amended from the date upon which the Commission receives notification from all the Contracting Parties of acceptance of a recommendation to amend the Annex made by the Commission in accordance with the provisions of Article 3, Section 1 or of the Protocol to this Convention.

2. The Commission shall notify all the Contracting Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.

Art. 8. The Contracting Parties agree to keep as far as practicable all records requested by the Commission and to furnish compilations of such records and other information upon request of the Commission. No Contracting Party shall be required hereunder to provide the records of individual operations.

Art. 9. 1. The Contracting Parties agree as follows:

(a) With regard to a stock of fish from the exploitation of which any Contracting Party has agreed to abstain, the nationals and fishing vessels of such Contracting Party are prohibited from engaging in the exploitation of such stock of fish in waters specified in the Annex, and from loading, processing, possessing, or transporting such fish in such waters.

(b) With regard to a stock of fish for which a Contracting Party has agreed to continue to carry out conservation measures, the nationals and fishing vessels of such Party are prohibited from engaging in fishing activities in waters specified in the Annex in violation of regulations established under such conservation measures.

2. Each Contracting Party agrees, for the purpose of rendering effective the provisions of this Convention, to enact and enforce necessary laws and regulations, with regard to its nationals and fishing vessels, with appropriate penalties against violations thereof and to transmit to the Commission a report on any action taken by it with regard thereto.

Art. 10. 1. The Contracting Parties agree, in order to carry out faithfully the provisions of this Convention, to co-operate with each other in taking appropriate and effective measures and accordingly agree as follows:

(a) When a fishing vessel of a Contracting Party has been found in waters in which that Party has agreed to abstain from exploitation in accordance with the provisions of this Convention, the duly authorized officials or any Contracting Party may board such vessel to inspect its equipment, books, documents, and other articles and question the persons on board.

Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.

(b) When any such person or fishing vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged immediately prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel. In that case, the Contracting Party to which the official belongs shall notify the Contracting Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such vessel or persons as promptly as practicable to the authorized officials of the Contracting Party to which such vessel or person belongs at a place to be agreed upon by both Parties. Provided, however, that when the Contracting Party which receives such notification cannot immediately accept delivery and makes request, the Contracting Party which gives such notification may keep such person or vessel under surveillance within its own territory, under the conditions agreed upon by both of the Contracting Parties.

(c) Only the authorities of the Party to which the above mentioned person or fishing vessel belongs may try the offense and impose penalties therefor. The witnesses and evidence necessary for establishing the offense, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Contracting Party having jurisdiction to try the offense.

2. With regard to the nationals or fishing vessels of one or more Contracting Parties in waters with respect to which they have agreed to continue to carry out conservation measures for certain stocks of fish in accordance with the provisions of this Convention, the Contracting Parties concerned shall carry out enforcement severally or jointly. In that case, the Contracting Parties concerned agree to report periodically through the Commission to the Contracting Party which has agreed to abstain from the exploitation of such stocks of fish on the enforcement conditions, and also if requested, to provide opportunity for observation of the conduct of enforcement.

3. The Contracting Parties agree to meet, during the sixth year of the operation of this Convention, to review the effectiveness of the enforcement provisions of this Article and, if desirable, to consider means by which they may more effectively be carried out.

Art. 11. 1. This Convention shall be ratified by the Contracting Parties in accordance with their respective constitutional processes and the instruments of ratification shall be exchanged as soon as possible at Tokyo.

2. This Convention shall enter into force on the date of the exchange of ratifications. It shall continue in force for a period of ten years and thereafter until one year from the day on which a Contracting Party shall give notice to the other Contracting Parties of an intention of terminating the Convention, whereupon it shall terminate as to all Contracting Parties.

IN WITNESS WHEREOF, the respective Plenipotentiaries, duly authorized, have signed the present Convention.

DONE in triplicate, in the English and Japanese languages, both equally authentic, at Tokyo this ninth day of May, one thousand nine hundred fifty-two.

ANNEX

1. With regard to the stocks of fish in the respective waters named below, Japan agrees to abstain from fishing, and Canada and the United States of America agree to continue to carry out necessary conservation measures, in accordance with the provisions of Article 5, Section 2 of this Convention:

(a) Halibut (*Hippoglossus stenolepis*)

The Convention area off the coasts of Canada and the United States of America in which commercial fishing for halibut is being or can be prosecuted. Halibut referred to herein shall be those originating along the coast of North America.

(b) Herring (*Clupea pallasii*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of the meridian passing through the extremity of the Alaskan Peninsula, in which commercial fishing for herring of North America origin is being or can be prosecuted.

(c) Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka*, *Oncorhynchus tshawytscha*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of a provisional line following the meridian passing through the western extremity of Atka Island; in which commercial fishing for salmon originating in the rivers of Canada and the United States of America is being or can be prosecuted.

2. With regard to the stocks of fish in the waters named below, Canada and Japan agree to abstain from fishing, and the United States of America agrees to continue to carry out necessary conservation measures, in accordance with the provisions of Article 5, Section 2 of this Convention:

Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka*, *Oncorhynchus tshawytscha*)

The Convention area of the Bering Sea east of the line starting from Cape Prince of Wales on the west coast of Alaska, running westward to 168°58'22.59" West Longitude; thence due south to a point 65°15'00" North Latitude; thence along the great circle course which passes through 51° North Latitude and 167° East Longitude, to its intersection with meridian 175° West Longitude; thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island; in which commercial fishing for salmon originating in the rivers of the United States of America is being or can be prosecuted.

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

May 9, 1952

The Governments of the United States of America, Canada and Japan, through their respective Plenipotentiaries, agree upon the following stipulation in regard to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo on this ninth day of May, nineteen hundred fifty-two.

The Governments of the United States of America, Canada and Japan agree that the line of meridian 175° West Longitude and the line following the meridian passing through the western extremity of Atka Island, which have been adopted for determining the areas in which the exploitation of salmon is abstained or the conservation measures for salmon continue to be enforced in accordance with the provisions of the Annex to this Convention, shall be considered as provisional lines which shall continue in effect subject to confirmation or readjustment in accordance with the procedure mentioned below.

The Commission to be established under the Convention shall, as expeditiously as practicable, investigate the waters of the Convention area to determine if there are areas in which salmon originating in the rivers of Canada and of the United States of America intermingle with salmon originating in the rivers of Asia. If such areas are found the Commission shall conduct suitable studies to determine a line or lines which best divide salmon of Asiatic origin and salmon of Canadian and United States of America origin, from which certain Contracting Parties have agreed to abstain in accordance with the provisions of Article 5, Section 2, and whether it can be shown beyond a reasonable doubt that this line or lines more equitably divide such salmon than the provisional lines specified in sections 1 (c) and 2 of the Annex. In accordance with these determinations the Commission shall recommend that such provisional lines be confirmed or that they be changed in accordance with these results, giving due consideration to adjustments required to simplify administration.

In the event, however, the Commission fails within a reasonable period of time to recommend unanimously such line or lines, it is agreed that the matter shall be referred to a special committee of scientists consisting of three competent and disinterested persons, no one of whom shall be a national of a Contracting Party, selected by mutual agreement of all Parties for the determination of this matter.

It is further agreed that when a determination has been made by a majority of such special committee, the Commission shall make a recommendation in accordance therewith.

The Governments of the United States of America, Canada and Japan, in signing this Protocol, desire to make it clear that the procedure set forth

herein is designed to cover a special situation. It is not, therefore, to be considered a precedent for the final resolution of any matters which may, in the future, come before the Commission.

This Protocol shall become effective from the date of entry into force of the said Convention.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol.

DONE in triplicate at Tokyo this ninth day of May. one thousand nine hundred fifty-two.

INTERNATIONAL OFFICE OF EPIZOOTICS

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

On January 25, 1924, 28 countries adopted and signed an International Agreement for the creation of an International Office of Epizootics.

The Agreement specifies that it is to exist for a period of seven years subject to renewal each succeeding seven year period for all nations that have not expressly notified, one year in advance, their intention to terminate this participation.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

The International Office of Epizootics is a veterinary, scientific and technical organization. The purpose is to promote and co-ordinate experimental or other research concerning the pathology or prophylaxis of contagious diseases of live stock, to collect and bring to the attention of governments facts concerning epizootic diseases and means of controlling them and to examine draft agreements regarding animal sanitary measures and provide signatory governments with the means of their enforcement.²

It issues bulletins giving information on the existence and speed of Rinderpest, Foot-and-mouth disease, contagious Pleuro-Pneumonia in cattle, Anthrax, Sheep-pox, Rabies, Glanders, Dourine and Swine Fever.³

ORGANS

Its organs consist of:

- (1) An International Committee, composed of one delegate for each country member.⁴
- (2) A Director and Staff.⁵

¹ Agreement, Art. 8.

⁴ Id., Annex, Art. 6.

² Id., Annex, Art. 4.

⁵ Id., Annex, Art. 8.

³ Id., Annex, Arts. 5, 10

MEMBERSHIP

The members are Albania, Algeria, Angola, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Cambodia, Cameroun Republic, China (Formosa), Colombia, Council of the Entente, Congo Republic, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Korea, Laos, Lebanon, Luxembourg, Madagascar, Mali, Mauretania, Mexico, Morocco, Mozambique, Netherlands, New Caledonia, New Zealand, Norway, Pakistan, Peru, Poland, Portugal, Roumania, Somalia, Spain, Sweden, Switzerland, Thailand, Tunisia, Turkey, Union of South Africa, Union of Central African Republics, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, Uruguay, Venezuela, Vietnam and Yugoslavia.

The Convention enters into force for each country from the day of deposit of its ratification.¹

MEANS OF FINANCIAL SUPPORT

The organization's expenses are apportioned among members in accordance with a scale of six categories of from three to twenty-five units. "Each country is free to choose its own category".²

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The organization has an agreement with the Food and Agriculture Organization and relations with the World Health Organization.

HEADQUARTERS

Its headquarters are at 12, Rue de Prony, Paris(17e).

¹ Id. Art. 7.

² Id., Annex, Art. 11.

INTERNATIONAL AGREEMENT

FOR THE CREATION IN PARIS OF AN INTERNATIONAL OFFICE OF EPIZOOTICS

January 25, 1924

Art. 1. The High Contracting Parties pledge themselves to create and maintain an International Office of Epizootics, the head office of which is in Paris.

Art. 2. The Office is subject to the authority and control of a Committee composed of delegates of the contracting Governments. The composition and functions of that Committee as well as the organization and powers of the Office are defined in the internal statutes which appear in the appendix to the present Agreement and are considered as being an integral part of the Agreement.

Art. 3. The expenses involved in the establishment as well as the working and maintenance of the Office are paid by subscriptions of Member Governments calculated according to the terms of Art. 2 of the internal statutes.

Art. 4. The sums representing the contributions of the contracting governments are paid, at the beginning of every year, through the Foreign Office of the French Republic, to the "Caisse des Dépôts et Consignations" in Paris; the funds are available to the Director of the Office upon orders when needed.

Art. 5. The High Contracting Parties reserve for themselves the right to make by common consent, to the present agreement changes which in the light of experience, are deemed desirable.

Art. 6. Governments which have not yet signed the present agreement are allowed to join it on request. The French Government will be notified of this adhesion through diplomatic channels. The French Government will then inform the other member countries. The obligation attendant upon adherence will be the payment of a subscription towards expenses of the Office (as referred to in Article 3).

Art. 7. This agreement will be confirmed under the following conditions: Every Power will send its ratification to the French Government as soon as possible. The latter will then notify the other signatory countries thereof.

The ratifications will be registered in the archives of the French Government.

This covenant comes into force in respect of each member country from the date of registration of its ratification.

Art. 8. This agreement is made for a period of seven years. The agreement will then be renewed for further periods of seven years for such countries which have not notified, one year in advance, their intention to terminate their participation in the agreement.

ANNEX

INTERNAL STATUTES OF THE INTERNATIONAL OFFICE
OF EPIZOOTICS

Art. 1. An International Office of Epizootics has been established in Paris under the direction of the countries which agree to participate in its operations.

Art. 2. The Office cannot intervene in any way in the administration of the various countries.

The Office is independent of the authorities of the country in which it has been established. The Office is in direct contact with the authorities charged with the administration of the animal sanitary policy of the various countries.

Art. 3. At the request of the International Committee referred to in Article 6, the Government of the French Republic will make all the necessary arrangements for the Office to be recognised as an institution of "utilité publique".

Art. 4. The main objects of the Office are:

1) to promote and co-ordinate experimental or other research work concerning the pathology or prophylaxis of contagious diseases of live-stock for which it is desirable to call on international collaboration.

2) to collect and bring to the attention of the Governments or their sanitary services, all facts and documents of general interest concerning the course of epizootic diseases and the means used to control them.

3) to examine international draft agreements regarding animal sanitary measures and provide the signatory Governments with the means for their enforcement.

Art. 5. The Governments will forward to the Office:

1. By telegram, notification of initial outbreaks of rinderpest or foot-and-mouth disease observed in a country or an area which has up to that time been free from infection.

2. At regular intervals, bulletins prepared in the manner adopted by the Committee. These bulletins will give information on the existence and spread of the following diseases:

Rinderpest	Rabies
Foot-and-mouth disease	Glanders
Contagious pleuro-pneumonia (in cattle)	Dourine
Anthrax	Swine fever.
Sheep-pox	

The list of the diseases referred to in the foregoing provision may be revised by the Committee, subject to the approval of the Governments.

The Governments will inform the Office of the measures adopted by them to control epizootics, especially those measures enforced at their own frontiers, aimed at protecting their territories by the control of imports from infected countries. As far as possible they will furnish information in reply to inquiries sent to them by the Office.

Art. 6. The Office is placed under the authority and control of an International Committee composed of technical representatives appointed by member countries, there being one representative in respect of each country.

Art. 7. The Committee of the Office meets periodically at least once a year; there is no time limit for the sessions.

The members of the Committee elect, by secret ballot, a president whose mandate lasts 3 years.

Art. 8. The functioning of the Office is ensured by a staff composed of:
a director
technicians
such employees as may be necessary for the work of the Office.

The Director is appointed by the Committee. He attends the Committee meetings in an advisory capacity. The appointment and dismissal of employees of any category is the concern of the Director who informs the Committee of his decisions.

Art. 9. All information collected by the Office is brought to the attention of the Member countries by means of a Bulletin or by special notifications which are forwarded to them directly or on request. The notifications concerning the first outbreaks of rinderpest or foot-and-mouth disease are forwarded immediately by telegrams to the various Governments and Sanitary Services. In addition, the Office provides detailed accounts of its activities in periodical official reports which are sent to Member Countries.

Art. 10. The Bulletin which is issued at least once a month, includes in particular reports on:

1. Laws and general regulations promulgated in various countries concerning contagious diseases of livestock.
2. Information concerning the course of contagious diseases of animals.
3. World statistics concerning animal health.
4. References to literature.

French is the official language of the Office and the Bulletin. The Committee may however decide whether parts of the Bulletin are to be published in other languages.

Art. 11. General expenditures necessary for the functioning of the Office are covered by the countries which signed the agreement and by those which may join the Office later on. The subscription is calculated according to the following categories:

1st	category — at the rate of	25	units
2nd	— — — — —	20	—
3rd	— — — — —	15	—
4th	— — — — —	10	—
5th	— — — — —	5	—
6th	— — — — —	3	—

on the basis of five hundred francs per unit.

Each country is free to choose its own category. Any country may at a later date enter a higher category.

Art. 12. A certain amount of money for the constitution of a reserve

fund will be set aside from the annual income. This reserve which must not exceed the annual budget will be invested in Government stocks

Art. 13. Travelling expenses are refunded to the members of the Committee as expenses of the Office. Moreover, the members will also receive subsistence allowances during attendance at the meetings.

Art. 14. The Committee shall determine the sum to be drawn annually from its budget in order to provide for pensions of the personnel of the Office on retirement.

Art. 15. The Committee shall make out its annual budget and approve the accounts. The Committee shall decide also upon internal regulations for the personnel as well as all the arrangements to be made for the functioning of the Office. These regulations and arrangements are imparted by the Committee to Member Countries. Any proposed change will have to be submitted to, and accepted by, the participating Countries.

Art. 16. An account of the administration of the Office funds is presented annually to the participating Countries at the close of the financial year.

INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Convention establishing this Organization was signed in Paris on October 2, 1955, and entered into force following deposit of the sixteenth instrument of ratification. A provisional Committee had been set up in 1937 and reconstituted in 1950.

The Convention is concluded for a period of twelve years subject to tacit renewal for periods of six years.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

Article 1 of the Convention states that the Organization is to be a center of documentation and information regarding measuring instruments, from the point of view of verification, control, conception, construction and use, is to study general principles of legal metrology and make proposals for laws and regulations regarding standardization, control and quality. "All questions which touch on the legislation and administration of a particular state are excluded from the jurisdiction of the Conference, except on the express demand of the State."²

ORGANS

The organs are:

(1) An International Conference of Legal Metrology, composed of a maximum of three members for each member country, with one vote per member.³

(2) An International Committee of Legal Metrology, "the working body of the Conference,"⁴ composed of a maximum of twenty members of

¹ Convention, Art. 36. ² Id., Art. 4.

³ Id., Art. 7.

⁴ Id., Art. 12

different nationality, elected by the Conference for a term of six years.¹

(3) An International Bureau, composed of a Director and his assistants appointed by the Committee, and a staff.²

MEMBERSHIP

The members are Australia, Austria, Belgium, Bulgaria, Cuba, Czechoslovakia, Denmark, Dominican Republic, Finland, France (including the Community), Germany, Guinea, Hungary, India, Iran, Italy, Monaco, Morocco, Netherlands, Norway, Poland, Roumania, Spain, Sweden, Switzerland, Tunisia, USSR, Venezuela, Yugoslavia. Greece, Jordan, Luxembourg, New Zealand and the United Kingdom are corresponding states.³

MEANS OF FINANCIAL SUPPORT

The expenses are covered by annual dues based on population, by proceeds from sale of publications and by subsidies and donations.⁴

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has a formal agreement with UNESCO and working relationships with the International Bureau of Weights and Measures.

HEADQUARTERS

The headquarters are at 9 Avenue Franco-Russe, Paris.

¹ Id., Art. 13.

² Id., Arts. 19, 21.

³ Id., Art. 5.

⁴ Id., Art. 26.

CONVENTION

ESTABLISHING AN INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY ¹

October 2, 1955

The States which are parties to the present Convention, wishing to solve on the international plane the technical and administrative problems raised by the use of measuring instruments and aware of the importance of a co-ordination of their efforts to achieve this, have agreed to create an International Organization of Legal Metrology defined as follows:

Chapter I – Purpose of the Organization

Art. 1. An International Organization of Legal Metrology is hereby established. The purpose of this Organization is as follows:

1. to form a center of documentation and of information,
 - on the one hand, on the different national services concerned with verification and control of measuring instruments subject or hable to be subjected to legal regulation,
 - on the other hand, on the aforementioned measuring instruments envisaged from the point of view of conception, construction and use;
2. to translate and to edit the texts of legal requirements for measuring instruments and their use in force in the different States, with all the interpretations stemming from constitutional law and administrative law in these States, which are necessary to the complete understanding of these requirements;
3. to determine the general principles of legal metrology;
4. to study, with the aim of unifying methods and regulations, the problems of a legislative and regulation character of legal metrology, whose solution is of international interest;
5. to establish a proposal for laws and sample regulations for measuring instruments and their use;
6. to work out a proposal for the material organization of a standard form of verification and control of measuring instruments;
7. to fix the necessary and adequate characteristics and qualities to which measuring instruments must conform in order to be approved by Member States and for their use to be recommended on an international scale;
8. to assist relations between the services of weights and measures or other services in charge of legal metrology in each one of the Member States of the Organization.

² Convention and translation supplied by International Bureau of Legal Metrology.

Chapter II – Constitution of the Organization

Art. 2. The States signing the present Convention are thereby Members of the Organization.

Art. 3. The Organization consists of:

- an International Conference of Legal Metrology,
- an International Committee of Legal Metrology,
- an International Bureau of Legal Metrology; which are dealt with below:

International Conference of Legal Metrology

Art. 4. The purpose of the Conference is as follows:

1. to study questions concerning the objectives of the Organization and to take all decisions on this subject,

2. to ensure the setting-up of directive organs called upon to carry out the work of the Organization as well as to elect the Members of the Committee or to sanction their co-option.

3. to study and to authorise reports made out on conclusion of their work by the various organs of legal metrology created in conformity with the present Convention.

All questions which touch on the legislation and administration of a particular State are excluded from the jurisdiction of the Conference, except on the express demand of the State.

Art. 5. The States signing the present Convention belong to the Conference as members, are represented as laid down in Article 7 and subject to the obligations defined by this Convention.

Apart from the Members, the following may take part in the Conference as Correspondents:

1. States, or territories which do not or cannot yet become parties to this Convention.

2. International Unions pursuing an activity connected with that of the Organization.

The Correspondents are not represented at the Conference but they may delegate observers with a consultative status. They do not have to pay the subscriptions of Member States but they must support the costs of services loaned which they can ask for and of subscriptions to the publications of the Organization.

Art. 6. The Member States undertake to furnish the Conference with all documentation in their possession which, in their opinion, will enable the organization to carry out the tasks entrusted to it.

Art. 7. The Member States delegate to meetings of the Conference official representatives numbering a maximum of three. One of them must be as far as possible an official in his country, still active, in the service of weights and measures or another service dealing with legal metrology.

Only one of them has the right to vote.

The delegates do not have to be in possession of full powers except, on the request of the Committee, in exceptional cases and for clearly indicated questions.

Each State undertakes the costs of its representation at the Conference.

The Members of the Committee who are not delegated by their Governments have the right to take part on meetings with consultative status.

Art 8. The Conference decides in the recommendation to make for common action of Member States in the fields designated in Art. 1.

The decisions of the Conference can only become applicable if the number of Member States present is at least two thirds of the total number of Member States and if they have rallied a minimum of four-fifths of the votes cast. The number of votes cast must be at least four-fifths of the number of Member States present.

Abstentions and blank votes or nullified votes are not considered as votes cast.

Decisions are immediately communicated for information, study and recommendation to the Member States. They take the moral engagement to put these decisions into effect as far as possible.

However, for all votes concerning the organization, management, administration, international regulations of the Conference, the Committee, the Bureau and all analogous questions, an absolute majority is sufficient to make the envisaged decision immediately executory, the minimum number of Members present or represented and that of those voting being the same as above. The vote of the Member State whose delegate occupies the presidency is decisive in the case of a dead heat.

Art. 9. The Conference elects from among those present for the duration of each of its sessions: a President and two Vice-Presidents to whom is attached, as secretary, the Director of the Bureau.

Art. 10. The Conference meets at least every six years on the summons of the President of the Committee or, in the event of this not being possible, on the summons of the Director of the Bureau if he received a request from at least half the Members of the Committee.

The Conference fixes, at the end of its work, the place and date of its next meeting or authorizes the International Committee of Legal Metrology to do this.

Art. 11. The official language of the Organization is French.

However, the Conference may provide for the use of one of several other languages for its work and discussions.

International Committee of Legal Metrology

Art. 12. The work foreshadowed in Article 1 is undertaken and carried out by an International Committee of Legal Metrology, the working body of the Conference.

Art. 13. The Committee consists of a maximum of twenty Members of different nationality. These Members are elected by the Conference among the nationals of the Member States, provided they have the agreement of the Government of their country.

The elected Members must be officials of the service concerned with measuring instruments or individuals having official functions in the field of legal metrology.

They will give the Committee the benefit of their experience, of their

advice and of their work but do not engage their Government or their Administration.

They are elected for a period of six years and are eligible for re-election. However, if their mandate expires between two sessions of the Conference it will be automatically extended until the following session.

They cease to be Members of the Committee when they no longer fulfill the conditions outlined by the present article.

All Committee Members who are absent from two consecutive sessions without being excused or represented will be considered as having resigned from the second session.

If the Conference has not been able, at the time of the first meeting of the Committee, to designate all the Members, or if vacancies occur as a result of death, resignation or cessation of mandate, the Committee can fill the gaps by co-option. The nomination of Members thus co-opted only becomes definitive after approval by the Conference and on the agreement of the Governments of their countries. Their mandate expires at the same time as that of Members elected directly by the Conference.

The Members of the Committee take part as of right in meetings of the International Conference with consultative status. They can be one of the three delegates of their Governments to this Conference.

The President can invite anyone whose presence he feels might be helpful, to attend these Committee meetings with consulting status.

Art. 14. Individuals having played a role in metrological science or industry and former Members of the Committee can, by the decision of the Committee, receive the title of Member of Honor. They can take part in meetings with consultative status.

Art. 15. The Committee elects from among itself: a President, a first and a second Vice-President for a period of six years and eligible for re-election. However, if their mandate expires during the interval between two sessions, it will be automatically extended until the second session.

The Committee can delegate certain of its functions to its President.

The President fulfills the tasks allotted to him by the Committee and replaces the Committee for urgent decisions. He brings these decisions to the knowledge of the Members of the Committee and accounts for them with the least delay.

When questions of a common interest for the Committee and connected organizations are liable to be raised, the President of the International Committee of Legal Metrology represents the Committee with these organizations.

In the event of absence, hindrance, cessation of mandate, resignation or death of the President, the interim period is assured by the first Vice-President.

Art. 16. The Committee meets at least every two years on the summons of the President or, should something prevents this, on the summons of the Director of the Bureau, if the latter is informed of a request coming from at least half the Members of the Committee.

Except for special reasons, the normal sessions take place in the country where the Bureau has its administrative headquarters.

However, meetings for information purposes can be held on the territory of the various Member States.

Art. 17. Committee Members unable to attend a meeting can delegate their votes to one of their colleagues who is then their representative. In this event, such a Member cannot have more than two votes in addition to his own.

Decisions are valid only if the number of those present and represented is at least three quarters of the number of individuals elected or co-opted as Members of the Committee and if they are supported by a minimum of four fifths of the votes cast. The number of votes cast must be at least four fifths of the number of those present and represented at the session.

Abstentions, blank votes and nullified votes are not considered as votes cast.

Between sessions and for certain special cases, the Committee can deliberate by correspondence.

The resolutions taken in this way are only valid if all the Members of the Committee have been called on to give their opinions and if the resolutions have been approved unanimously by all those voting, on condition that the number of votes cast is at least two thirds of the elected and co-opted Members.

Abstentions, blank votes and nullified votes are not considered as votes cast. Failure to reply within time limit specified by the President will be considered as an abstention.

Art. 18. The Committee entrusts its special studies, experimental research and laboratory work to competent services in Member States, after first obtaining their formal consent. If these tasks require certain expenses, the agreement will also specify what proportion of same is to be borne by the Organization.

The Director of the Bureau will co-ordinate and assemble this work.

The Committee may entrust certain tasks permanently or temporarily to work groups or to technical or legal experts, working according to regulations it will have set. If these tasks require certain remunerations or indemnities, the amounts will be set by the Committee.

The Director of the Bureau will assume the Secretariat of these work groups or of these expert groups.

International Bureau of Legal Metrology

Art. 19. The functioning of the Conference and of the Committee is ensured by the International Bureau of Legal Metrology, under the direction and control of the Committee.

The Bureau is in charge of preparing Conference and Committee meetings, of establishing a liaison between the various members of these organizations, and entertaining relations with the Member States or with the Correspondents and the services concerned.

It is also in charge of executing studies and work defined under Article 1 as well as establishing reports and editing a bulletin, which is sent free of charge to Member States.

It constitutes the documentation and information centre provided for under Article 1.

The Committee and the Bureau assume the execution of the Conference's decisions.

The Bureau will not do any experimental research of laboratory work. It may, however, dispose of suitably equipped demonstration halls, to study the method of construction and functioning of certain apparatus.

Art. 20. The Bureau has its administrative headquarters in France.

Art. 21. The personnel of the Bureau consist of a Director and his assistants named by the Committee as well as employees or agents of a permanent or temporary nature recruited by the Director.

The personnel of the Bureau and, if they are called upon, the experts envisaged in Article 17, are reimbursed. They receive either wages or salaries or are indemnified by amounts fixed by the Committee.

The statutes of the Director, of the assistants and of the employees or agents, are decided by the Committee, notably in connection with the conditions or recruitment, of work, of discipline, of pension.

The appointment, dismissal or recall of agents and employees of the Bureau are decided by the Director, except they are designated by the Committee, in which case they can only be subject to such measures by decision of the Committee.

Each Member State will designate in its country one of its officials who will be in charge of ensuring permanent liaison with the Bureau and of centralizing all the questions under study.

For countries which have, among their nationals, a Member of the Committee, this individual can be at the same time in charge of the liaison foreshadowed above.

Art. 22. The Director undertakes responsibility for the functioning of the Bureau under the control and the directives of the Committee, to whom he is responsible and to whom he must present, at each ordinary session, a report on the conduct of business.

The Director collects the income, prepares the budget, engages and authorizes all the expenses for personnel and equipment, and manages the funds.

The Director is by right secretary of the Conference and of the Committee.

Art. 23. The Governments of member States declare that the Bureau is recognized to be of public utility, that it is endowed with civil status and that, generally speaking, it benefits from the privileges and facilities commonly granted intergovernmental institutions by the legislation in force in each one of the member Countries.

Chapter III – Financial Provisions

Art. 24. For the financial period equal to the interval between two sessions, the Conference decides:

- the overall amount of funds necessary to cover the Organization's current expenses;
- the annual amount to be placed in reserve to meet emergency expenses,

and to ensure the execution of the budget in case of insufficient income.

The credits are figured in gold-francs. The parity of the gold franc and the French franc is that indicated by the Banque de France.

During the financial period, the Committee may call on member States, if it deems it necessary, to ask for an increase in credits to meet the obligations of the Organization, or because of a change in economic conditions.

Upon the expiration of the financial period, if the Conference has not met, or if it has not been able to hold a valid debate, the financial period will be extended until the next valid session. The original credits will be increased proportionally to the duration of this extension.

During the financial period, and within limits granted, the Committee will set the amount of its operating expenses pertaining to budget periods of duration equal to the interval between its sessions. It will also supervise the investing of available funds.

Upon expiration of the budget year, if the Committee has not met or has not been able to hold a valid debate, the President and the Director of the Bureau decide upon renewal of all or a part of the budget for the financial year just ended until the next valid session.

Art. 25. The Director of the Bureau is authorized to engage and to pay on his own authority the Organization's operating expenses.

But he cannot:

- pay emergency expenses, or draw money from the reserve established for the purpose of assuring the execution of the Budget in case of insufficient receipts, without first obtaining the consent of the Committee Chairman.

Budget surplus remains available for use throughout the entire financial period.

The Director's management of the Budget must be submitted to the Committee which will examine it at each one of its sessions.

Upon expiration of the financial period, the Committee submits the balance-sheet of its management to the Conference.

The Conference decides what is to be done with any surplus. The amount of this surplus may either permit a corresponding reduction in the dues of the member States, or else be added to the reserve funds.

Art. 26. The Organization's expenses are covered:

- (1) by annuals dues paid by the member States.

The total of contributions for a given financial period is determined from the amount of credits granted by the Conference, taking into account an evaluation of receipts from the following paragraphs 2 to 5.

To determine the respective shares of the member States, the latter are divided into four categories, according to the total population of the home-country and territories represented.

Class 1: population of 10 million inhabitants or less,

Class 2: population between 10 million exclusive and 40 million inclusive,

Class 3: population between 40 million exclusive and 100 million inclusive,

Class 4: population of over 100 million.

The population figures are rounded off to the lower million.

When the use of measuring instruments is decidedly inferior to average in a country, the State may apply to be put in a lower category than that assigned to it by its population.

Depending on the class, contributions are proportional to 1, 2, 4 and 8.

The share of a member State is equally distributed over the years of a financial period so as to determine its annual contribution.

In order to set up a margin of safety right from the beginning to make-up for any fluctuations in receipts, the member States agree to advance a certain sum on their future annual dues. The exact amount and duration of this advance will be set by the Conference.

If, upon expiration of the financial period, the Conference has not met or been able to hold a valid debate, annual dues will be renewed at the same rates until a valid session can be held.

(2) by proceeds from the sale of publications and proceeds from loans of services to Correspondents;

(3) by income from investment of sums in the treasury;

(4) by dues for the financial period under way and new member States' admission fees – by retroactive dues and entrance fees of reintegrated member States – by the back dues of member States, paying up after having interrupted their payments.

(5) by subsidies, subscriptions, donations or legacies and miscellaneous receipts.

To finance special work, emergency subsidies may be allotted by certain member States. They are not included in the general budget but will be entered in special accounts.

Annual dues are figured in gold-francs. They may be paid in French francs or in any other convertible currency. Parity between gold-franc and French franc will be that indicated by the Banque de France, the applicable rate being that of the day of payment.

Dues are to be paid at the beginning of the year to the Director of the Bureau.

Art. 27. The Committee will prepare Financial Rulings based on the general indications of the above Articles 24 to 26.

Art. 28. A State which becomes a member of the Organization during one of the periods indicated under Article 36 is bound until expiry of this period and is subject, from the time of joining, to the same obligations as the Members already adhering.

A new Member State becomes co-proprietor of the materials of the Organization and must, in view of this fact, pay an entry fee which is fixed by the Conference.

Its annual subscription will be calculated as if it had joined from the 1st January of the year following that in which the membership or ratification documents are handed in. Its payment for the current year will be as many twelfths of its subscription as there are months remaining to the year. This payment does not change the subscriptions laid down for the current year for the other Members.

Art. 29. All Member States which have not paid their subscriptions

for three consecutive years are officially regarded as having resigned and are struck off the list of Member States.

However, the situation of certain Member States who find themselves in a period of financial difficulty and cannot momentarily face their obligations will be examined by the Conference which may in certain cases grant them delays or remissions.

The insufficiency of receipts resulting from the striking out of a member State is compensated by drawing from reserve funds, constituted as explained under Article 24.

Member States voluntarily resigning and Member States officially regarded as having resigned lose all rights of co-ownership on the materials of the Organization.

Art. 30. A Member State who has voluntarily resigned can be re-admitted on his simple request. He is then considered as a new Member State but the entry fee is only payable if his resignation took place more than five years previously.

A Member State officially regarded as having resigned can be re-admitted on his simple request on condition he settles his unpaid subscriptions owing at the time he was struck off. These retrospective contributions are calculated on the basis of the subscriptions for the years prior to his re-admission. He is subsequently considered as a new member State but the entry fee is figured to take into account, in proportions fixed by the Conference, his previous subscriptions.

Art. 31. In case of dissolution of the Organization, the assets will be distributed between all the member States proportionally to the total of their previous dues, under reservation of any agreement which may be passed between the member States having paid their dues until date of dissolution and under reservation of rights contracted or acquired by personnel in active service, or retired.

Chapter IV – General Provisions

Art. 32. The present Convention will remain open for signature until December 31st, 1955, at the Foreign Affairs Ministry of the French Republic.

It shall be ratified.

The instruments of ratification will be deposited with the Government of the French Republic, which will notify each one of the signing States of the date of this deposit.

Art. 33. The States which have not signed the Convention may adhere to it upon expiration of the time limit provided for under Article 32.

The membership instruments will be deposited with the Government of the French Republic, which will notify all signing Governments and member States of the date of this deposit.

Art. 34. The present Convention will enter into force thirty days after the deposit of the sixteenth instrument of ratification or membership.

It will into force for each State which ratifies it or adheres to it after that date, thirty days after the deposit of its instrument of ratification or adhesion.

The Government of the French Republic will notify each one of the contracting parties of the date of entry into force of the Convention.

Art. 35. Any State may, at the time of signature, of ratification or at any other time, declare by notification addressed to the Government of the French Republic, that the present Convention is applicable to all or a part of the territories it represents on an international plane.

The present Convention will apply to the territories designated in this notification after the thirtieth day following the date upon which the Government of the French Republic will have received this notification.

The Government of the French Republic will transmit this notification to all the other Governments.

Art. 36. The present Convention has been concluded for a period of twelve years to be counted from the date it goes into force.

Thereafter, it will remain in force for a period of six years and so on, between the contracting parties who have not denounced it at least six months before the expiration of the said period.

Notice of termination should be sent in writing to the Government of the French Republic, which will then advise all contracting parties.

Art. 37. The Organization may be dissolved by decision of the Conference, if the Delegates are provided with "full powers" to that effect at the time.

Art. 38. If the number of parties to the present Convention is reduced to less than sixteen, the Conference may consult the member States to decide whether the Convention should be dissolved.

Art. 39. The Conference may recommend amendments to the present Convention to the contracting parties.

Any contracting party accepting an amendment will notify the French Government of its acceptance, so that the latter may, in turn, notify the other contracting parties of the receipt of acceptance notification.

An amendment will go into force three months after receipt of acceptance notifications from all contracting parties by the Government of the French Republic. When an amendment has thus been accepted by all contracting parties, the Government of the French Republic will advise all other contracting parties as well as the signing Government, informing them of the date it goes into force.

After an amendment goes into force, no Government may ratify the present Convention or join it, without also accepting this amendment.

Art. 40. The present Convention will be made out in French, in one original, which will be filed with the archives of the French Republic, which will deliver certified copies to all signing and member Governments.

INTERNATIONAL PATENTS INSTITUTE

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Patents Institute was established by an Agreement between the governments of Belgium, France, Luxembourg and the Netherlands which was signed at The Hague on June 6, 1947. The Agreement entered into force on June 10, 1949. The organization was formed in contemplation of the provisions of Article 15 of the International Convention for the Protection of Industrial Property.¹ Any member country may denounce the Agreement five years after it has entered into force by giving one year's notice.² If at any time the membership falls below four, the Institute is to be dissolved.³

FUNCTIONS AND POWERS OF THE ORGANIZATION

Its functions are to provide member Governments with reports on the novelty of inventions which are the subject of application for patents at the national patent offices, or for which no applications have been made.⁴

ORGANS

Its organs are:

- (1) A Governing Body composed of representatives of parties to the Agreement.⁵
- (2) A Director appointed by the Council.⁶

MEMBERSHIP

The members are Belgium, France, Luxembourg, Monaco, Morocco, the Netherlands, Tunisia and Turkey.

MEANS OF FINANCIAL SUPPORT

Members' dues are assessed on the same basis as that provided in the Convention for the Protection of Industrial Property; charges are also made for services.⁷

¹ Agreement, Preamble.

⁴ Id., Art. 1.

⁵ Id., Art. 3.

² Id., Art. 12.

⁶ Id., Art. 4.

³ Id., Art. 13.

⁷ Id., Art. 9.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has special relations with the International Bureau for the Protection of Industrial Property.¹ It has relations with the Council of Europe.

HEADQUARTERS

Its headquarters are at 97 Nieuwe Parklaan, The Hague.

¹ Id., Art. 5.

AGREEMENT RELATING TO THE CREATION OF AN INTERNATIONAL PATENTS INSTITUTE¹

June 6, 1947

The Government of Her Majesty the Queen of the Netherlands, the Government of His Majesty the King of Belgium, the Government of the French Republic, and the Government of Her Royal Highness the Grand Duchess of Luxembourg.

Having regard to Article 15 of the International Convention for the protection of Industrial Rights, signed in Paris on 20th March 1883, revised in Brussels on 14th December 1900, Washington on 2nd June 1911, The Hague on 6th November 1925 and London on 2nd June 1934;

Have resolved to conclude an agreement relating to the creation of an International Patents Institute and have appointed as their Plenipotentiaries:

The Government of Her Majesty the Queen of the Netherlands:

Baron C. G. W. H. van Boetzelaer van Oosterhout, Minister of Foreign Affairs;

The Government of His Majesty the King of Belgium;

L. C. Nemry, Ambassador Extraordinary and Plenipotentiary at The Hague;

The Government of the French Republic:

Jean Rivière, Ambassador Extraordinary and Plenipotentiary at The Hague;

The Government of Her Royal Highness the Grand Duchess of Luxembourg:

Auguste Collart, Envoy Extraordinary and Minister Plenipotentiary at The Hague,

who, having exhibited their full powers found in good and due form, have agreed as follows:

Art. 1. There is hereby constituted an International Patents Institute responsible for furnishing the Governments of the States party to this Agreement with reasoned opinions on the novelty of inventions for which applications for patents are submitted to the respective national authorities responsible for industrial rights. The International Patents Institute may also furnish these authorities with opinions as to the novelty of inventions for which no such application is submitted.

Art. 2. To enable the Institute to discharge its duties, the Government of each of the States party to this Agreement shall communicate to it, in the original text or certified copies, photocopies of microphotocopies, all

¹ Published and translated by the International Patents Institute.

the material it possesses, or is able to assemble or collect in this field, particularly facsimiles of patents issued and such applications as are submitted to it. These particulars shall be communicated as quickly as possible.

Art. 3. The Institute shall be run by a Governing Body whose members shall be appointed by the Governments of the States party to this Agreement, one for each State.

The Governing Body shall elect its Chairman annually.

Art. 4. The Governing Body shall regulate all matters relating to the general management of the Institute. It shall appoint by a two-thirds majority its Director who must be a national of one of the States party to this Agreement; it shall also determine his functions and powers. It shall annually draw up the budget and any amendments or supplementary budgets of income and expenditure. It shall check and approve the Director's accounts. It shall draw up the rules of procedure and the financial regulations of the Institute.

Art. 5. A special provision shall be included in the rules of procedure governing the relations of the International Patents Institute with the International Office on the Protection of Industrial Rights in Berne.

The financial regulations shall in particular specify the method by which the budget shall be checked and implemented.

Art. 6. Any State party to this Agreement may, if need be, entrust its representation on the Governing Body to the representative of another Contracting Party.

No representative, however, may have more than two votes.

Art. 7. The decisions of the Governing Body shall be taken by a majority of the votes cast. In the case of a tie, the Chairman shall cast the deciding vote.

Art. 8. The Institute shall be placed under the high patronage of the Governments of the States party to this Agreement and under the permanent protection of the Royal Government of the Netherlands.

The seat of the Institute shall be at The Hague.

Art. 9. The Institute shall derive its income:

(a) By an initial contribution and annual contribution paid by each State party to this Agreement. The amount of these contributions shall be fixed by terms identical to those laid down under paras. 8 and 9 of Article 13 of the Paris Union Convention for the Protection of Industrial Rights;

(b) By the charge of a fee for each opinion communicated, at their request, to the special authorities for industrial rights in each State. The opinions of the Institute shall normally be conveyed to these authorities only.

The Governing Body may further authorize the collection of any income representing payment for services rendered to the official institutions in question, and in exceptional cases to private organizations or individuals.

Art. 10. This Agreement shall be ratified. It shall come into force as soon as the instruments of ratification of the four signatory States have been deposited with the Ministry of Foreign Affairs at The Hague.

Art. 11. After this Agreement has come into force, any non-signatory States party to the International Union for the Protection of Industrial Rights may accede to it at any time.

This accession shall be notified by diplomatic channels to the Royal Government of the Netherlands and by the latter to all other Contracting Parties.

Art. 12. The States signatory to the present Agreement and those which accede subsequently may denounce it only after five years from the date of their accession thereto. The denunciation shall take effect one year after the date of its reception by the Royal Government of the Netherlands.

Art. 13. If as a result of denunciation the number of States party to this Agreement falls to below four, the Institute would lawfully be liquidated and its assets fall to the remaining Contracting Parties, in proportion to the amount of initial and annual contributions paid by them.

Art. 14. This Agreement shall be subject to revision from time to time with a view to introducing such changes as would improve the services rendered by the Institute in the matter of industrial rights, and to extend and develop the range of its activities wherever possible.

In witness whereof, the Plenipotentiaries named below have signed this Agreement and affixed their seals.

Done at The Hague the sixth June 1947 in four copies, in the Dutch and French languages, both texts being equally authentic.

INTERNATIONAL POPLAR COMMISSION

See Food and Agriculture Organization

INTERNATIONAL RED LOCUST CONTROL SERVICE

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This organization was established by a Convention dated February 22, 1949.

International Locust Conferences had been held in Rome in 1931, in Paris in 1932, London in 1934, Cairo in 1936 and Brussels in 1938. Prior to these conferences a sub-committee on locust control had been set up by the United Kingdom Government under the Committee of Civil Research, in order to report on means for the mass destruction of the desert locust and methods for ascertaining the reason for the periodic swarming of these species. At the Conference held in London in 1934 a number of resolutions were passed dealing with fundamental research and the Imperial Institute of Entomology was recognized as the international center for anti-locust research. In 1936, at the Cairo Conference, detailed plans were submitted for investigations into the biology of the red locust and a recommendation was adopted urging the necessity of regular patrols being carried out in various suspected areas.

The International Locust Conference in 1938 held in Brussels recorded its objection to the work carried on by the International Center for Anti-locust Research in London, and recommended that the finances of the Center should be placed on an international basis. It suggested that the British Government should invite contributions from the governments of other interested territories. At that Conference the British and Belgian Governments jointly put forward a "scheme of permanent international organization for the control of the outbreak areas of the red locust." The scheme was not acceptable to the Portuguese delegates who made counter proposals. Great Britain and Belgium agreed to carry on the scheme on a modified basis, even though full international agreement could not be reached. Following the war a conference was held in Lusaka, Northern Rhodesia, in 1945 where a draft of an international convention for the control of the red locust was studied. Another draft was submitted in a

conference held in Lusaka in 1947. The final signing was in London on February 22, 1949. The Convention was amended in 1953.

The Convention provides for the establishment of an International Council for the Control of the Red Locust.¹ The Convention entered into force upon the receipt by the Government of the United Kingdom of the second instrument of ratification, and was to remain in force for a period of 10 years after its initial entry into force.² At the end of that period any contracting government might denounce the Convention by written notification to the Government of the United Kingdom, such denunciation to take effect one year from the date of its receipt. Any contracting government may also denounce the Convention with respect to one or more of its territories.³

FUNCTIONS AND POWERS OF THE ORGANIZATION

The functions of the International Service for the Control of the Red Locust are:

“(1) To organize the permanent control of known outbreak areas of the Red Locust and the investigation of regions suspected of being sources of origin of the Red Locust.

“(2) To take steps for the immediate destruction of any incipient swarms of Red Locusts discovered in recognized outbreak areas.

“(3) To organize, in collaboration with the Participating Governments, a Central Information Service on the movements and breeding of swarms of Red Locusts which might have spread outside the outbreak areas.

“(4) To keep the Participating Governments and the Anti-Locust Research Centre informed of the Red Locust situation and of the progress of the operations of the Control Service by means of periodical reports.

“(5) To study the habits and the ecology of the Red Locust and the methods for its control.”⁴

ORGANS

The organs are:

(1) An International Council, composed of one representative of each participating government (the three British High Commission Territories in South Africa having one representative between them). Each representative is entitled to a number of votes proportionate to the total annual financial contribution of his government (the three British High Commission Territories in South Africa being entitled to a number of votes proportionate to the total annual financial contribution of the three Territories).⁵

(2) An International Control Service established by the Council.⁶

¹ Convention, Art. 1.

² A modifying protocol is in the process of ratification providing for continuation of the Convention after the initial ten year period.

³ Convention, Art. 11.

⁴ *Id.*, Art. 5.

⁵ *Id.*, Art. 3.

⁶ *Arts. Id.*, 2, 4.

MEMBERSHIP

The members are the Angola, Belgian Congo and Ruanda Urundi, Belgium, the British High Commission Territories in South Africa (Basutoland, Bechuanaland and Swaziland), Kenya, Mozambique, Rhodesia and Nyasaland Federation, Tanganyika, Uganda, the Union of South Africa, the United Kingdom.

MEANS OF FINANCIAL SUPPORT

The ordinary annual expenses are covered by contributions of participating governments in proportions laid down in the Convention and reviewable by the Council if other governments participate.¹

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Council may invite the Food and Agriculture Organization of the United Nations to appoint observers to attend the Council meetings. The Anti-Locust Research Centre has a representative on the Council in a consultative capacity.²

HEADQUARTERS

Its headquarters are at P.O. Box 37, Abercorn, Northern Rhodesia.

¹ Convention, Art. 3.

² Id., Art. 3.

INTERNATIONAL CONVENTION FOR THE PERMANENT CONTROL OF OUTBREAK AREAS OF THE RED LOCUST

London, February 22, 1949 as amended 1953

THE Governments of Belgium, the United Kingdom of Great Britain and Northern Ireland, the Union of South Africa and Southern Rhodesia, wishing to improve and extend the International Organisation provisionally established to carry out the recommendations of the 5th International Anti-Locust Conference held at Brussels on 1st September, 1938, with a view to preventing outbreaks of the Red Locust, and considering that the time has come to give effect to the suggestions made by experts of the countries primarily concerned at their meetings at Lusaka in September, 1945, and June, 1947, have agreed as follows:—

Art. 1. (a) An International Council for the Control of the Red Locust (hereinafter referred to as the Council) shall be established and shall be composed of representatives of the Governments of the following territories:—

(1) the Union of South Africa;

(2) Kenya, Uganda, Tanganyika Territory, Nyasaland, Northern Rhodesia, and the British High Commission Territories in South Africa (Basutoland, Bechuanaland Protectorate and Swaziland);

(3) the Belgian Congo and Ruanda Urundi;

(4) Southern Rhodesia.

To the above-mentioned shall be added any other territory or territories to which the present convention may be applied under Article 9 or Article 10.

(b) The Governments mentioned above are hereinafter referred to as the Participating Governments.

(c) The seat of the Council shall be at Abercorn in Northern Rhodesia.

Art. 2. In order to carry out research on the Red Locust and to decide on and carry out adequate methods of combat, an International Service for the Control of the Red Locust (hereinafter referred to as the Control Service) shall be established by the Council.

Art. 3. (a) Each of the Participating Governments shall appoint one representative to the Council; provided, however, that the three British High Commission Territories in South Africa shall have one representative between them to represent these three territories.

(b) Each representative shall be entitled to a number of votes proportionate to the total annual financial contribution of his Government; provided that the representative of the three British High Commission Territories in South Africa shall be entitled to a number of votes proportionate to the total annual financial contribution of the three territories;

(c) The Anti-Locust Research Center shall be represented on the Council by a representative in a consultative capacity.

¹ HMSO CMD 7650. Miscellaneous. No. 2 (1949); amendment, HMSO Cmd. 9002, (1953).

(d) The Council may invite the Food and Agriculture Organization of the United Nations to appoint observers to attend the meetings of the Council.

Art. 4. (a) The Council shall elect from among its members a President to hold office for one year. It shall have authority to appoint or dismiss the Secretary of the Council, the Director, the Secretary-Accountant and the scientific and technical personnel of the Control Service, and to determine their conditions of service.

(b) The Council shall meet in ordinary session each year in the month of June or July. Extraordinary meetings of the Council may be convened by the President or at the request of a majority of the Participating Governments.

(c) The Director of the Control Service shall forward each year, one month before the date fixed for the next meeting of the Council, his annual report to the Council. This shall be examined during the annual meeting of the Council.

(d) The Council shall at its annual meeting adopt the plans and estimates for the operations of the Control Service for the following Control year (beginning on the 1st January, of the following calendar year and ending on the 31st December of that year).

(e) The Council shall make its own rules of procedure and shall have power to appoint an Executive Committee to carry out its decisions.

Art. 5. (a) The functions of the Control Service are as follows:—

(1) To organize the permanent control of known outbreak areas of the Red Locust and the investigation of regions suspected of being sources of origin of the Red Locust.

(2) To take steps for the immediate destruction of any incipient swarms of Red Locusts discovered in recognised outbreak areas.

(3) To organize, in collaboration with the Participating Governments, a Central Information Service on the movements and breeding of swarms of Red Locusts which might have spread outside the outbreak areas.

(4) To keep the Participating Governments and the Anti-Locust Research Center informed of the Red Locust situation and of the progress of the operations of the Control Service by means of periodical reports.

(5) To study the habits and the ecology of the Red Locust and the methods for its control.

(b) The Director of the Control Service shall engage all personnel of the Control Service, other than those whom the Council is authorized to appoint in accordance with Article 4 (a).

Art. 6. (a) The ordinary annual expenses of the Council and Control Service shall be covered by contributions of the Participating Governments in the proportion of 12 per cent for Southern Rhodesia, 16 per cent for the Belgian Congo, 8 per cent for Ruanda Urundi, 28 per cent for the Union of South Africa and 36 per cent for all the remaining Governments.

(b) The apportionment of contributions shall be reviewed by the Council in the event of any other Government becoming a participating Government in accordance with Articles 9 or 10.

(c) Each Participating Government shall have the option of paying its share of the annual expenses in cash or in kind, either by providing

quarters or transport or by paying its own personnel seconded to the Control Service, with the agreement of the Council or of the Director of the Control Service.

Art. 7. (a) The Secretary of the Council shall be entrusted with the collection of the contributions of the Participating Governments, as well as the keeping of the accounts to the Control Service.

(b) The Government of Northern Rhodesia shall audit the annual accounts of the Service and submit them to the Council. These accounts, when approved by the Council, shall be forwarded to the Participating Governments.

Art. 8. For the carrying out of anti-locust operations in territories to which the present Convention applies, each Participating Government shall

(a) accord such facilities to members of the Control Service, in the matter of customs and passports, as may be required to enable them to carry out their official duties; and

(b) give all possible assistance, other than financial assistance, required by the Control Service for destroying incipient swarms of Red Locusts.

Art. 9. Any Contracting Government may at any time propose that the present Convention shall be extended to one or more of its territories other than those mentioned in Article I or in any notification made under Article 10, and with the approval of the Council the Government of that territory shall become a Participating Government for the purposes of the present Convention.

Art. 10. (a) Any Government which is not a signatory to the present Convention may be invited by the Council to accede thereto, subject to such conditions as the Contracting Governments may determine. Notification of accession shall be made to the Government of the United Kingdom and shall state the territory or territories to which the accession applies.

(b) The Government of the United Kingdom shall inform the other Contracting Governments of all notifications received under this Article.

Art. 11. (a) The present Convention shall be ratified by the signatory Governments and the instruments of ratification shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland.

(b) The present Convention shall enter into force as on the date of the receipt by the Government of the United Kingdom of the second instrument of ratification. It shall take effect in respect of those Governments who ratify or accede subsequently on the date of the deposit of the ratification or notification of accession. The present Convention shall remain in force for a period of ten years after its initial entry into force.

(c) At any time after the expiration of this period—

(1) Any Contracting Government may denounce the Convention by written notification to the Government of the United Kingdom. Such denunciation shall take effect one year after the date of receipt of the notification by the Government of the United Kingdom.

(2) Any Contracting Government may notify the Government of the United Kingdom that the Convention shall cease to apply to one or more

of its territories, and it shall cease to apply to the territory or territories named in the notification one year after the date of the receipt of the notification by the Government of the United Kingdom.

(d) The Government of the United Kingdom shall inform each of the Contracting Governments of each notification received under this Article and of the date of its receipt.

In witness whereof the undersigned have signed the present Convention in the English and French languages, both texts being equally authentic, and have affixed thereto their seals.

Done in London the 22nd day of February, 1949, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be furnished to all the signatory and acceding Governments and to all the Participating Governments.

INTERNATIONAL REGIONAL ORGANIZATION OF ANIMAL AND PLANT HEALTH

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This Organization was established at the Fifth Meeting of Ministers of Agriculture at San Salvador in October 1953, by the Second Convention of San Salvador signed on October 29, 1953, which entered into force upon, ratification by four of the signatory countries.

The entry into force of this Convention abrogated the Convention regarding Locust Control of July 14, 1951, and the functions and assets of the International Committee for Co-ordination of Anti Locust activities of Central America and Mexico were transferred to the new Organization.

The Convention has a duration of four years subject to tacit renewal, and may be denounced only within the six months before the expiry of the four year period.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Organization is to provide co-operation between the members in dealing with locusts, foot and mouth disease, and other sicknesses and pests, to maintain personnel equipped to deal with outbreaks, to assist members in the functioning of their animal and plant health services and in the prevention of outbreaks.²

ORGANS

The organs are:

(1) The International Regional Committee on Animal and Plant Health composed of Ministers of Agriculture or their alternates.³

(2) A Technical Co-ordinating Committee composed of representatives of the Ministers of Agriculture.³

¹ Convention, Art. 9.

² Id., Art. 2.

³ Id., Art. 1.

(3) The Organization composed of an Executive Director, Deputy Director and Treasurer appointed by the Committee, and Staff.¹

MEMBERS

The members are Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama.

MEANS OF FINANCIAL SUPPORT

It is financed by an annual quota of \$ 30,000 from each member, subject to increases of up to 50% in case of emergencies.²

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

Close relations are maintained with FAO, the Inter-American Institute of Agricultural Sciences and the Pan American Center of Foot and Mouth Diseases. It has relations also with the Organization of American States, the Organization of Central American States and the United Nations (Economic Commission for Latin America).

HEADQUARTERS

The headquarters are at Apartado 434, Managua.

¹ Id., Arts. 3-6.

² Id., Art. 7.

INTERNATIONAL REGIONAL ORGANIZATION OF ANIMAL AND PLANT HEALTH

SECOND CONVENTION OF SAN SALVADOR¹

October 29, 1953

The Governments of Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama, through their Plenipotentiaries to the Fifth Conference of Ministers of Agriculture of Central America, Mexico and Panama, which took place in San Salvador, Republic of El Salvador, Considering:

That devastating sicknesses and pests exist which attack domestic plants and animals and which, once they appear in one country, may easily and quickly spread to the neighboring countries;

That, in order to safeguard their peoples against the serious economic damage occasioned by these sicknesses and pests, a general co-operative plan by the Governments is necessary;

That the International Committee for Co-ordination of Anti-Locust activities in Central America-Mexico (CICLA) has demonstrated the effectiveness of this type of co-operation;

That support by those countries for the maintenance of an administratively and technically qualified International Organization of Animal and Plant Health would be very economical in relation to the great losses in agriculture and stock which can result from infestations of locusts (*Schistocerca* sp.); coffee mildew or rust (*Hemileia vastatrix*), (*Hemileia coffeicola*); coffee drill (*Stephanoderes coffeae*), (*Stephanoderes hampei*); and also Foot and Mouth disease, Contagious Abortion and other similar scourges;

That the Consultative Regional Conference on Foot and Mouth disease which met in Panama in August 1951 considered thoroughly the problem of the above diseases and arrived at conclusions worthy of being taken into account;

That modern means of communication encourage the exchange of persons and products between countries which also greatly assists in the spread of pests and contagious sicknesses of plants and animals;

That International Organizations like the FAO and OAS to which the countries at this Conference belong, have on various occasions expressed their sympathy with the International Regional Organization of Animal and Plant Health of Central America, Mexico and Panama, and have indicated their ability to contribute effective support;

That effective co-operation could also be requested from the Foreign

¹ OIRSA publication, translated from the original Spanish by D.P. Xydis.

Operations Administration of the United States of America through its Program of Co-operative Technical Assistance;

That in previous Conferences of Ministers of Agriculture the need to create a wider organization with more extended functions than the International Committee for Co-ordination of Anti-Locust Activities (CICLA) has been expressed;

That the taking of preventive measures against such serious common dangers cannot be deferred;

Have agreed as follows:

Committee

Art. 1. To constitute an International Regional Committee of Animal and Plant Health (CIRSA), formed of the Ministers of Agriculture of the signatory countries or by their duly accredited representatives, which shall have as its purpose to co-ordinate or suggest among these countries means of prevention and resistance with international ramifications, in regard to the sicknesses and pests which harm agriculture and stock raising.

Meetings of the Committee shall be rotating and its sessions shall take place successively in each of the member countries.

The Committee shall meet in ordinary session each year in the month of July, and in extraordinary session upon convocation by one of the Ministers but, in the latter case, the meeting shall treat only the specific matters which were the motive of its calling.

A Technical Co-ordinating Committee shall also be established, composed of representatives of the Ministers of Agriculture of the member countries.

The Technical Co-ordinating Committee shall meet in ordinary session each year in the month of January at the seat of the Organization in order to consider the progress of its activities.

The President of the Committee shall be the Minister of Agriculture of the country where the meeting takes place.

Organization

Art. 2. The objectives of the Committee shall be carried out by means of a permanent organization of a technical and administrative character which shall be called the "International Regional Organization of Animal and Plant Health (OIRSA)" and shall have the following functions;

(1) To decide, after the necessary technical studies, what sicknesses, pests, or animal and plant health problems constitute an economically significant danger for the signatory countries in addition to the existing ones as follows: a) Locusts; b) Foot and Mouth Disease; c) lack of quarantine and d) lack of uniformity or deficiency in adequate and uniform legislation concerning plant and animal health;

(2) To maintain a nucleus of personnel technically prepared and equipped to control any sicknesses and pests which would entail serious economic damage for the area;

(3) To advise signatory countries who so request on the functioning of their plant and animal health services;

(4) To organize services of prevention and to carry out, in close collaboration with the corresponding national organizations, the control of pests and sicknesses mentioned in paragraphs (1) and (2);

(5) To keep the Ministers of Agriculture of the signatory countries informed concretely and periodically about the activities of the Organization and the conditions which prevail in the health field in each of the member countries.

Art. 3. The Organization shall have the following basic structure:

(1) An Executive Direction;

(2) A Treasury;

(3) An Auditor; and

(4) The necessary departments to carry out the functions laid down in Article 2.

Art. 4. The Organization shall have the following Officials;

(1) An Executive Director;

(2) A Deputy Director;

(3) A Treasurer;

(4) The heads of the Departments.

Art. 5. The Executive Director, the Deputy Director and the Treasurer shall be appointed by the Committee.

The officials of the Organization shall be nationals of the member countries and may be advised by one or more technicians designated for this purpose by the international Organizations.

The personnel shall be composed, preferably, of nationals of the member countries in an equitable proportion as far as possible.

Art. 6. The Executive Director is the official directly and immediately responsible before the Committee for all administrative affairs of the Organization. He shall have the authority to appoint the auxiliary administrative and technical personnel, the latter upon the proposals of the respective heads of departments and in conformity with the Regulations.

The Treasurer shall be responsible for the assets of the Organization which shall be managed in accordance with the Regulations.

The auditing of the accounts of the Organization shall be effected by a public auditor or an auditing company, appointed by the Committee. The person or company who exercises the functions of Auditor of the Organization shall have all the facilities and authority necessary for the supervision of the financial year, in accordance with the Regulations, and shall render quarterly reports on the results of his investigations directly to the Ministers of the Committee and to the Organization.

Financing

Art. 7. In order to be able effectively to carry out its work, the Organization must be able to count on the economic support of each of the participating countries. The annual quota for each country shall be thirty thousand dollars which shall be paid in two equal instalments in the months of February and August, starting with the year the Convention enters into effect. In cases of emergency, the signatory govern-

ments will be asked for extraordinary contributions of up to 50% of their annual quotas.

The budget of the Organization shall be drawn up each year in accordance with the Regulations, and may be changed by the Committee only in those cases where urgent necessity requires.

A minimum of 25% of the contributions of the Governments shall be retained to form a Reserve Fund. This percentage may be increased or diminished by agreement of the Ministers in Committee session and shall be used exclusively to provide for the expenses that may be occasioned by an emergency, in accordance with the Regulations of the Convention.

In case of emergency, if the funds of the Organization are insufficient, Governments shall be asked for an additional contribution of 50% of their annual contributions.

If such additional contributions are not sufficient to carry out the purpose proposed, the Committee shall meet in extraordinary session to take the measures it considers necessary.

A portion of the income of the Organization shall be destined to pay for the training of personnel in the signatory countries in the specialized field related to the purposes of this Convention and in the national economic interest. The distribution of this amount shall be made in an equitable manner among the member countries.

General Provisions

Art. 8. The provisional seat of the Organization shall be in El Salvador and the permanent headquarters shall be decided upon at the first meeting of the Committee. Subsidiary offices may be established in any place in the member countries for purposes of investigation or action in the health field.

Art. 9. The duration of the present Convention shall be for four years in accordance with the provisions of Article 14; denunciation of the Convention may only take place within six months from the end of this period and shall be communicated to the Ministry of Foreign Relations of El Salvador. The duration shall be prolonged automatically and tacitly so long as the Convention continues in effect for four or more of the signatory countries.

Art. 10. The regulation of the Convention shall be drawn up by the Ministers of Agriculture, or their Representatives specially authorized, at the first meeting to be held.

Art. 11. The Governments of the signatory countries shall grant to the personnel of the Committee and of the Organization all facilities to enable them to visit any part of their territory.

Art. 12. The Organization shall be exempt in the signatory countries, insofar as their respective constitutional provisions do not interfere, from the payment of direct or indirect taxes whether national or municipal as well as from all kinds of duties and charges which might result from the acquisition, transfer, transit, exportation or importation of goods, vehicles, equipment, chemical and biological products, fuels, lubricants and

accessories necessary to the accomplishment of its purposes or acquired in relation there to.

The participating countries shall grant free postal, telegraphic, telephonic and radio facilities for service matters to the personnel, both directing and subordinate, of the Committee and the Organization, as well as on the national railroads and ships.

Art. 13. In order to facilitate the free transit of persons connected with the Committee or Organization so long as they remain in office, the participating countries shall grant passports, permits and visas which will facilitate the crossing of frontiers as many times as necessary; they shall also respect the international license plates of vehicles in the service of the Committee or the Organization.

Art. 14. The present Convention shall enter into effect as soon as it is ratified by four of the signatory countries and the corresponding instruments of ratification shall be deposited with the Ministry of Foreign Relations of El Salvador which shall communicate the date of deposit to the other member countries.

Art. 15. The Governments of the signatory countries undertake to inform periodically the Organization, in accordance with the Regulations, regarding their respective animal and plant health conditions.

INTERNATIONAL RELIEF UNION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The establishment of the International Relief Union followed proposals in 1920 at the Tenth Red Cross Conference. Giovanni Ciraolo at that time proposed a scheme for an "international organization for the immediate relief of peoples overtaken by disasters." The scheme envisaged the broadening of the scope of the Red Cross organizations. A further resolution was placed before the Genoa Economic Conference in 1922, whence it was referred to the League of Nations for consideration. It was proposed to establish, under the auspices of the League, an "International Organization for the relief and assistance of peoples overtaken by disasters which devastate any district and its population by wars, catastrophes arising from natural causes, epidemics, famine, etc.". The political and technical sides of the work of relief were to be entrusted to the International Red Cross Committee, on the understanding that each National Red Cross Society "shall be regarded as an executive organ of the International Organization."

The scheme was considered by the League of Nations and by the Red Cross Society. A diplomatic conference of forty two governments adopted, on July 12, 1927, the convention and statutes setting up the International Relief Union. The Convention entered into effect on December 27, 1932, upon receipt of ratification or adherence by twelve States.¹ Any member was authorized to withdraw by notice given at least one year in advance to the Secretary General of the League of Nations.²

In 1955, the General Council of the International Relief Union met for the fifth time and established a Study Committee for the purpose of making an objective and comprehensive study of the position of the International Relief Union in order to enable a decision on the future of the Union to be taken by the Council at a further meeting in 1960.

¹ Convention, Art. 18.

² Id., Art. 19.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purpose of the International Relief Union is to furnish, by having recourse to its own funds or to other resources and assistance of all kinds, first aid to populations which are victims of public disasters; in all public disasters to co-ordinate if necessary the efforts made by other relief organizations; generally to encourage studies and preventive measures against disasters; and to seek to induce all peoples to render mutual international assistance.¹

ORGANS

The organs are

(1) A General Council made up of one delegate for each member of the International Relief Union.²

(2) An Executive Committee composed of seven ordinary members and seven substitute members, elected by the General Council.²

MEMBERSHIP

Its members are Albania, Belgium, Bulgaria, China, Ecuador, Finland, France, Germany, Greece, India, Iran, Iraq, Italy, Luxembourg, Monaco, Pakistan, Poland, Roumania, San Marino, Sudan, Switzerland, Turkey and Venezuela.

MEANS OF FINANCIAL SUPPORT

Upon its organization each member agreed to subscribe to a fund divided into parts of 700 Swiss Francs each. All who were members of the League of Nations subscribed a number of parts equal to the number of units which they provided for the League's support. The quotas of non-members of the League were fixed by the Executive Committee³. This provided an initial fund of 452,900 Swiss francs. The organization also receives voluntary grants from governments and private sources.⁴

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

There is close collaboration with the International Red Cross.

HEADQUARTERS

Its headquarters are at 7, Avenue de la Paix, Geneva.

¹ Id., Art. 2. ² Id., Art. 6. ³ Id., Art. 9. ⁴ Id., Arts. 11, 12.

CONVENTION ESTABLISHING AN INTERNATIONAL RELIEF UNION

July 12, 1927

In view of the Preamble of the Covenant of the League of Nations, which contemplates the promotion of 'international co-operation ... by the prescription of ... just ... relations between nations'; and

In view of Article 23 (f) of the Covenant of the League of Nations, which states that the Members of the League of Nations 'will endeavor to take steps in matters of international concern for the prevention and control of disease'; and

In view of Article 25 of the Covenant of the League of Nations which states that 'the Members of the League of Nations agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world'; and

Considering that such principles meet with the approval of all States;

Desiring to render aid to each other in disasters, to encourage international relief by a methodical co-ordination of available resources, and to further the progress of international law in this field,

Have appointed as their Plenipotentiaries:

Who, after communicating their full powers, found to be in good and due form, have agreed as follows:

Art. 1. The High Contracting Parties agree to establish an International Relief Union in accordance with the provisions of the present Convention and the Statute hereto annexed.

The Members of the International Relief Union shall be such Members of the League of Nations and such States not Members of the League of Nations as are Parties to this Convention.

Art. 2. The objects of the International Relief Union are:

(1) In the event of any disaster due to *force majeure*, the exceptional gravity of which exceeds the limits of the powers and resources of the stricken people, to furnish to the suffering population first aid and to assemble for this purpose funds, resources and assistance of all kinds;

(2) In the event of any public disaster, to co-ordinate as occasion offers the efforts made by relief organizations, and, in a general way, to encourage the study of preventive measures against disasters and to induce all peoples to render mutual international assistance.

Art. 3. The International Relief Union shall operate for the benefit of all stricken peoples, whatever their nationality or their race, and irrespective of any social, political or religious distinction.

Nevertheless, the action of the International Relief Union is limited to disasters occurring in the territories of the High Contracting Parties to

which the present Convention applies, and to such disasters occurring in other countries as in the opinion of the Executive Committee mentioned in Article 6 are likely to affect such territories of the High Contracting Parties.

Art. 4. Action by the International Relief Union in any country is subject to the consent of the Government thereof.

Art. 5. In the establishment and working of the International Relief Union, the free co-operation is envisaged:

(1) Of national Red Cross Societies, in conformity with Article 25 of the Covenant of the League of Nations, and of institutions or organizations constituting *de jure* or *de facto* unions of such societies;

(2) Of all other official or non-official organizations which may be able to undertake the same activities for the benefit of stricken populations, if possible in co-operation with Red Cross Societies and institutions or organizations above mentioned.

Art. 6. The International Relief Union shall be directed by a General Council, which shall appoint an Executive Committee in accordance with the provisions of the present Convention and of the Statute hereto annexed.

The General Council of the International Relief Union shall consist of Delegates of all the Members of the International Relief Union, there being one Delegate for each Member.

Each Member of the International Relief Union may entrust its representation in the General Council to its national Red Cross Society or to one of the national organizations referred to in Article 5.

Art. 7. The International Relief Union shall have its seat in the city in which the seat of the League of Nations is established.

It may have all or part of its administrative services in any place selected by the Executive Committee.

Art. 8. Within the limits of its objects and in accordance with the prescriptions of the national legislation of the country concerned, the International Relief Union shall be able, either in its own name, or in the names of persons acting in its behalf, to sue or be sued, and to acquire, with or without consideration, and to possess property of any kind, subject to the provisions of Article 12.

Art. 9. Each of the Members of the League of Nations and the States not Members which are Parties to the present Convention shall contribute to the establishment of an initial fund of the International Relief Union. This fund is divided into shares of 700 Swiss francs each. Each Member of the League of Nations will subscribe a number of shares equal to the number of the units of its contribution to the expenses of the League of Nations. The contribution of States not Members of the League of Nations will be fixed by the Executive Committee, according to the principles applied in determining the contributions of Members of the League of Nations.

Art. 10. The High Contracting Parties will endeavor to accord to the International Relief Union and to the organizations acting in its behalf, in accordance with the provisions of Article 5 of the present Convention and of the Statute, in all of their territories to which the present Convention applies, and in so far as is possible under the local law, the

most extensive immunities, facilities and exemptions for their establishments, for the movements of their staff and supplies, for relief operations and for the publicity of appeals.

Art. 11. The resources of the International Relief Union shall consist, in addition to the initial fund provided for in Article 9:

- (1) Of voluntary grants made by Governments;
- (2) Of private contributions; and
- (3) Of the donations and bequests referred to in Article 12.

Art. 12. The International Relief Union may receive donations and bequests of all kinds. Donations and bequests may be made with or without special conditions or restrictions as to their use in a particular country, for a particular category of disasters, or for a particular disaster.

Donations and bequests may be accepted only if they are in conformity with the objects of the Union as defined in Articles 2 and 3 of the present Convention and with the law of the particular country concerned.

Art. 13. Nothing in the present Convention shall be interpreted as involving a restriction of any kind on the freedom of the societies, institutions or organizations mentioned in Article 5, when they are acting on their own account.

Art. 14. The High Contracting Parties agree that all disputes between them relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation or by some other method of amicable settlement, be referred for decision to the Permanent Court of International Justice. The Court may be seized of the dispute, if necessary, by the application of either of the Parties. In case either or both of the Parties to such a dispute should not be Parties to the Protocol of December 16th, 1920, relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the Parties and in accordance with the constitutional procedure of each of them, either to the Permanent Court of International Justice or to a tribunal constituted in accordance with the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, or to some other tribunal of arbitration.

Art. 15. The present Convention, of which the French and English texts are both authentic, shall bear this day's date and, until April 30th, 1928, it may be signed on behalf of any Member of the League of Nations or of any State not a Member, represented at the Conference at Geneva, or to which the Council of the League of Nations may have communicated a copy of the Convention for this purpose.

Art. 16. The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations who shall notify their deposit to all signatory or acceding States.

Art. 17. On and after May 1st, 1928, any Member of the League of Nations or any State mentioned in Article 15 may accede to the present Convention. This accession shall be effected by a notification made to the Secretary-General of the League of Nations, to be deposited in the archives of the Secretariat. The Secretary-General shall at once notify such deposit to all the signatory and acceding States.

Art. 18. The present Convention shall not come into force until ratifications or accessions shall have been deposited in the name of at least twelve Members of the League of Nations or non-Member States of which the combined contributions amount to six hundred shares. The date of its entry into force will be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the last of such ratifications or accessions. Thereafter, the present Convention will take effect as to each party ninety days after the receipt of the instrument of ratification or notification of its accession.

For the application of this Article, the Secretary-General of the League of Nations will make a provisional estimate of the contributions of States non-Members of the League of Nations.

In compliance with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present Convention upon the day of its coming into force.

Art. 19. Any Member of the International Relief Union may withdraw from the Union by giving one year's notice in writing to the Secretary-General of the League of Nations.

The provisions of the present Convention shall cease to be applicable to the territory of the withdrawing Member, one year after the receipt of such notice by the Secretary-General of the League of Nations.

The Secretary-General of the League of Nations shall notify all Members of the Union of the receipt of any notice of withdrawal.

Art. 20. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligations in respect of all or any of his colonies, protectorates or territories under suzerainty or mandate; and the present Convention shall not apply to any territories named in such declaration.

Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of his territories which have been made the subject of a declaration under the preceding paragraph and the Convention shall apply to all the territories named in such notice ninety days after its receipt by the Secretary-General of the League of Nations.

Any High Contracting Party may at any time declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates or territories under suzerainty or mandate and the Convention shall cease to apply to the territories named in such declaration one year after its receipt by the Secretary-General of the League of Nations.

Art. 21. The revision of the present Convention may be requested at any time by one-third of the Members of the International Relief Union.

The Statute annexed to the present Convention may be modified by the General Council. For that purpose, three-fourths of the Members of the General Council must be present at the meeting, and the modification must be approved by two-thirds of the Members present.

In faith whereof the undersigned Plenipotentiaries have signed the present Convention.

Done at Geneva, on the twelfth day of July, nineteen hundred and twen-

ty-seven in a single copy which shall be deposited in the archives of the Secretariat of the League of Nations; certified copies will be transmitted to all the Members of the League of Nations, and States not Members, which were represented at the Conference.

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INTERNATIONAL RICE COMMISSION

See Food and Agriculture Organization

INTERNATIONAL RUBBER STUDY GROUP

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This organization's basic document consists of "Terms of Reference" adopted and amended from time to time by the Group's meetings. The terms of reference are as revised in 1947 and 1950.

In September 1944 a Rubber Study Group was established by the Governments of the Netherlands, the United Kingdom, and the United States, to serve as an advisory body on matters of common concern. The group was formed after informal discussions among the three Governments and without a formal international agreement.

The Rubber Study Group includes consuming as well as producing countries. Earlier arrangements, such as the Stevenson Plan of 1922-28 (applicable only to British Territory) and the International Rubber Regulations Agreement of 1934-42, to which the United States was not a party, were limited in membership to producing countries and were regulatory in character.

At its fourth meeting, in July 1947, the Group adopted revised Terms of Reference, established a permanent secretariat in London and created a Management Committee to supervise the work of the Secretariat between meetings of the Group. Further additions to the functions of the Management Committee were made at the Eighth Meeting in 1950.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Terms of Reference provide that the functions and duties of the Group are to make such studies of the world rubber position as it sees fit, having regard especially to the desirability of providing continuous accurate information regarding the supply and demand position and its probable development.¹ The Group is empowered to consider measures designed to expand world consumption of rubber and to consider how best

¹ Terms of Reference, Art. 2.

to deal with any special difficulties which may exist or may be expected to arise, and to submit reports and recommendations on the subject to participating Governments.¹

ORGANS

The organs consist of:

(1) The Study Group which meets whenever member governments consider it necessary.²

(2) A Management Committee, whose membership is determined by the Study Group, and which meets at least once every six months.³

(3) A Secretariat.⁴

MEMBERSHIP

Its members are Australia, Austria, Belgium, Burma, Cambodia, Canada, Ceylon, Czechoslovakia, Denmark, France, Germany, Hungary, Indonesia, Italy, Japan, Liberia, Malaya, Netherlands, Nigeria, Thailand, United Kingdom, United States and Vietnam.

MEANS OF FINANCIAL SUPPORT

Each member pays a subscription of £ 500 per annum per member.⁵

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has relations with the Food and Agriculture Organization, the International Bank and with the United Nations through the Interim Co-ordinating Committee for Commodity Arrangements.

HEADQUARTERS

Its headquarters are at Brettenham House, 5—6 Lancaster Place, London.

¹ Id., Arts. 3 and 4.

² Id., Art. 6.

³ Id., Section entitled "Management Committee" and Rules of Procedure.

⁴ Id., Section entitled "Secretariat".

⁵ Id., "Financial Obligations of Members", Paragraph 1.

TERMS OF REFERENCE¹

(As revised 1947 & 1950)

1. Membership of the International Rubber Study Group shall be open to representatives of the countries substantially interested in the production or consumption of, or trade in, rubber.

2. The Group shall be free to make such studies of the world rubber position as it sees fit, having regard especially to the desirability of providing continuous, accurate information regarding the supply and demand position and its probable development.

3. The Group shall consider measures designed to expand world consumption of rubber.

4. The Group shall consider how best to deal with any special difficulties which may exist, or may be expected to arise and may submit reports and recommendations on the subject to the participating Governments.

5. Other Governments and intergovernmental organizations which express an interest shall be kept informed of the studies made and of the results of the discussions as far as practicable. With regard to intergovernmental organizations, the Group acknowledges the formation of the Interim Co-ordinating Committee for International Commodity Arrangements.

6. The Group shall meet periodically at times and places mutually convenient to the Members for the purpose of discussing common problems arising from the production or consumption of, or trade in, rubber.

7. Members shall contribute on a basis mutually agreed upon to the expenses of the Group. Members with two years' contributions unpaid shall, unless the Group otherwise decides, cease to enjoy privileges of membership until arrears and contributions for current year have been met.

8. The Group shall maintain such Secretariat as it may deem necessary for the proper conduct of its work and shall arrange for the collection and dissemination of statistics. To this end Members agree to furnish the Secretariat with statistics concerning the production or consumption of, or trade in, rubber for their respective territories.

9. The Group shall remain in existence as long as it continues in the opinion of the participating Governments, to serve a useful purpose.

FINANCIAL OBLIGATIONS OF MEMBERS

1. All Members shall pay a flat subscription of £500 per annum.

2. In the event of the total sum of those flat rate subscriptions falling short of the total sum required for the annual budget, the balance shall be paid by member Governments in strict proportion to their production or consumption (whichever be the larger) in the calendar year previous to the budget year in question.

3. The budget year shall start on the 1st July of each year.

¹ Informal Document of the Secretariat.

4. New Members joining the Group during the course of a financial year shall contribute to the budget as follows:

- (i) during the first quarter (1st July–30th September) the full basic subscription;
- (ii) during the second quarter (1st October–31st December) three quarters of the basic subscription;
- (iii) during the third quarter (1st January–31st March) one-half of the basic subscription;
- (iv) during the fourth quarter (1st April–30th June) one-quarter of the basic subscription.

5. All sums due from member Governments shall be paid in their respective national currencies if convertible into United Kingdom currency; otherwise in United Kingdom currency.

SECRETARIAT

Title and Functions

The Secretariat of the International Rubber Study Group.

Subject to the general principles that

- (a) the Secretariat must not initiate discussion of policy questions;
- (b) the Secretariat must be guided in all its work by a strict impartiality relating to the facts of the situation;

(c) the Secretariat must not publish material relating to the member Governments without their prior approval;
the functions of the Secretariat are:

(i) to provide the Study Group with a full information service covering both the statistical situation and the general economic position as it relates to rubber;

(ii) to provide the necessary links between the member Governments in correspondence between Meetings of the Group;

(iii) to make the necessary preparations in connection with Meetings of the Group;

(iv) to maintain liaison with the other International Organizations whose work is especially of interest to the work of the Group;

(v) to make such studies as the Group itself may direct in accordance with Paragraph 2 of the Group's Terms of Reference.

Functions of the Secretary

1. The Secretary, working under the Management Committee, shall be responsible for the work of the Secretariat.

2. The detailed responsibilities of the Secretary in such matters as the appointment of personnel, finance, etc. shall be defined by the Management Committee.

MANAGEMENT COMMITTEE

Functions

1. To appoint a Secretary, who shall be responsible for the work of the Secretariat, and to supervise the establishment of the permanent Secretariat.

2. To prepare a budget and to make the necessary financial provisions for the operation of the Secretariat.

3. To supervise the work of the Secretariat.

4. To review from time to time the development of the supply/demand situation in relation to the statistical forecast issued by the Group and, if it is thought fit, to authorize the Secretariat to prepare revised forecasts for the benefit of members of the Group. Such forecasts to be circulated to all members of the Group and, subject to the approval of the members, published by the Secretariat.

5. To make proposals, as and when it thinks fit, for improving the procedure at Rubber Study Group Meetings; such proposals to be submitted for adoption, or otherwise, by the Group at its next Meeting after their formulation by the Management Committee.

Rules of Procedure

1. The International Rubber Study Group shall determine from time to time those member Governments which shall constitute the Management Committee.

2. The member Governments constituting the Management Committee shall each appoint one representative.

3. If its representative is unable to be present at any Meeting of the Committee, any member Government may be represented by an alternate with full voting rights.

4. The presence of not less than two-thirds of the Committee members or their alternates shall be necessary to constitute a quorum at any Meeting.

5. Each Member of the Committee may be accompanied by not more than two advisers.

6. The officers of the Committee shall comprise a Chairman, a Finance Member and a Secretary.

7. A Chairman and Finance Member shall be elected by the Committee at its first Meeting following each Meeting of the International Rubber Study Group.

8. The Secretary of the Secretariat of the International Rubber Study Group shall be the Secretary of the Management Committee.

9. The Committee shall meet at least once every six months and at such other times as the Chairman may determine or at the request of a Member of the Committee.

10. The Committee shall meet in London or at such other place as the Chairman may decide.

11. The Committee may at any time amend or revise these Rules of Procedure.

Finance Rules

1. The Financial Year shall run from 1st July to 30th June.

2. A Banking Account in the name of the Secretariat of the International Rubber Study Group shall be opened in London.

3. The Banking Account shall be operated on by cheques signed by the

Secretary or by the Finance Member except in the case of cheques of the value of £500 or more which shall require their joint signature.

4. All moneys received shall promptly be deposited in the Bank.

5. The Secretary shall have an imprest account for Petty Cash payments and receipts. The balance of this account shall not at any time exceed £25.

6. The accounts of the Secretariat shall be kept by the Secretary.

7. Auditors shall be appointed by the Committee.

8. The Secretary shall be responsible for drawing up and submitting to the Committee not later than the 31st March each year a provisional budget for the following financial year.

9. The Secretary shall circulate to the Committee a quarterly statement of accounts certified by the Finance Member and an annual statement certified by the auditor. The annual statement shall be circulated to all member Governments of the Group.

10. (a) The Secretary of the Secretariat shall be responsible for submitting to the member Governments the approved budget and shall require payment of the total contribution due from each Government as set out in the said budget.

(b) Payments shall be made in the currency of a member Government if its currency is convertible into United Kingdom currency; otherwise payment shall be made in United Kingdom currency.

11. The travelling and subsistence expenses of Members attending Meetings of the Committee shall be borne by the respective member Governments, and shall not be a charge on the funds of the Group.

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INTERNATIONAL SERICULTURAL COMMISSION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Commission was established by a resolution adopted at the Seventh International Sericultural Congress on June 1, 1948. It was formally consolidated by a Convention dated July 1, 1957, which entered into force on October 12, 1959, upon deposit of the fourth instrument of ratification.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purpose of the Commission is to further the development and improvement of all activities dealing with sericulture and, to this end, to be a center of information, to organize meetings, and to carry out research.²

ORGANS

The organs are:

- (1) The Conference composed of up to five delegates per member state, each delegate having one vote, which meets every three years.³
- (2) The Executive Committee composed of one delegate for each member state, which meets once a year.⁵
- (3) The General Secretary, elected by the Conference.⁶

MEMBERSHIP

The members are Chile, France, India, Iran, Japan, Lebanon, Madagascar, Poland, Roumania, Spain, Yugoslavia.

MEANS OF FINANCIAL SUPPORT

The organization is supported by subscriptions based on population and on fresh cocoon production.⁷

¹ Convention, Art. 26.

² Id., Arts. 1, 2.

³ Id., Arts. 6, 8, 10.

⁴ Id., Art. 9.

⁵ Id., Arts. 11, 13

⁶ Id., Art. 16.

⁷ Id., Art. 22.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has liaison with the Food and Agriculture Organization and the United Nations Economic and Social Council.

HEADQUARTERS

The headquarters are at 28, Quai Boissier-de-Sauvages, Alès, Gard, France.

CONVENTION

INSTITUTING AN INTERNATIONAL SERICULTURAL COMMISSION¹

July 1, 1957

The States parties to the present Convention, conscious, on the one hand of the importance of the sericultural production in the economic field, on the other hand of the interest of studies on the serigenous insects, in the scientific field, agreed to convert the Permanent Commission of the International Sericultural Congresses into an international organization which will be called the "International Sericultural Commission" and will have for charter the present Convention.

Title I: Object

Art. 1. The International Sericultural Commission has for its purposes to encourage and further the development and improvement, on the technical, scientific and economical planes, of all activities dealing with Sericulture in general (including Moriculture, Grainage, Sericulture and Raw Silk Reeling).

Art. 2. In order to attain the purposes as set forth above, the Commission will particularly have the following activities:

- (a) Exchange of information among the Member States;
- (b) Issuing of a periodical bulletin, proceedings of the meetings and any specialized publication;
- (c) General information thanks to the setting up of a Sericultural Documentation Center;
- (d) Organization of international meetings dealing with sericultural science;
- (e) Carrying on researches and investigations;
- (f) Development and co-ordination of the works which contribute to establish the silkworm and the other serigenous insects as "biological types";
- (g) Co-operation with all organizations having interests and functions related to and consistent with those of its own.

Title II: Seat

Art. 3. The seat of the International Sericultural Commission is at Alès (France).

It will not be moved except by decision of the Conference and at the request of the Executive Committee.

¹ Translation supplied by the Commission.

Title III: Members

Art. 4. The Member States having ratified the present Convention or adhered to it belong to the Commission. Each one of the Delegates of these States is entitled to a National Delegate.

Each Member Nation names the Head of its Delegation.

Title IV: Constitution

Art. 5. The organs of the Commission are the following: the Conference, the Executive Committee and the General Secretariat.

The Conference

Art. 6. The Conference is composed of the National Delegates appointed by the Member States up to five (among which one at least shall belong to a Sericultural Association).

Art. 7. It discusses and decides any matter enumerated in Article 1 of the present Convention. It receives and deliberates the reports submitted by the Executive Committee and it sanctions the decisions of the latter.

Art. 8. It convenes, at least, every three years. It adopts its own rules of procedure, elects a chairman and designates the location of its next session.

Art. 9. The National Associations of Non-Member States, whose activities meet the ones of the Commission, may, on proposal of the General Secretary and with the agreement of the Executive Committee, participate in the works of the Conference in the capacity of Observers, at the rate of one Association a State.

Art. 10. The votes of the Conference are taken by the absolute majority of the attending National Delegates each of them are given one vote.

The Executive Committee

Art. 11. The Executive Committee is composed of the Heads of Delegations for each Member State.

Art. 12. It pursues the realization of the aims as they are defined in Article 1, according to the decisions of the Conference.

Art. 13. It meets once a year. It approves the Budget which is submitted to it by the General Secretary and it gives its opinion upon the project of agenda of the Conference prepared by the latter.

Art. 14. When it comprises more than eleven Members, the Executive Committee will be able to delegate its power to a Board composed of one quarter of its membership.

The choice of the Members of this Board as well as the duration of their mandate shall be sanctioned by the Conference.

Art. 15. The votes of the Executive Committee are taken by the absolute majority of its Members. Vote by correspondence is allowed.

The General Secretary

Art. 16. The General Secretary is elected by the Conference on proposal of the Executive Committee.

Art. 17. He ensures, under the control of the Executive Committee, the realization of the resolutions adopted by the Conference.

Art. 18. He prepares the Budget and submits it to the approval of the Executive Committee. He administers the Budget.

He presents a financial report to the Conference which alone is competent to authorize expenditures.

Art. 19. He organizes the meetings of the Conference and of the Executive Committee.

Art. 20. Between the sessions of the Executive Committee, he takes the advice of its Members by individual written consultation.

Art. 21. He may take any initiative liable to help the smooth working and the publicizing of the Commission, subject to the approval of the Executive Committee which may entrust to him any task or mission it thinks necessary.

Title V: Financial Provisions

Art. 22. The income of the Commission is made up of the financial contributions of the Member States and of those of the joining National Associations.

The financial contribution is composed of two annual subscriptions:

- A scientific one, based upon the population,
- A technical and economic one, calculated as a function of the fresh cocoon production.

The Joining National Associations pay half the financial contributions.

Art. 23. The Commission may receive subsidies and donations of different origins within the scope of its purposes. The General Secretary shall give account of their utilization to the Executive Committee.

Title VI: General Conditions

Art. 24. The present Convention will be open for signature from the 1st of July 1957, to the 31st of December 1957, at the Ministry of Foreign Affairs of the French Republic.

It will be ratified.

The instruments of ratification will be deposited with the French Government which will notify each of the Signatory States of the date of this deposition.

Art. 25. The States which have not signed the Convention will be allowed to adhere to it at the expiration of the above-mentioned date.

The instruments of adherence will be deposited with the French Government which will notify the Member States of the date of deposit.

Art. 26. The present Convention will come into force thirty days after the deposit of the fourth instrument of ratification or adherence.

The French Government will notify to each of the contracting parties the date of coming into force of the Convention.

Art. 27. Any Member State may propose amendments to the present Convention.

No amendment proposal can be introduced by a Member State within the year when the Convention takes effect.

It should be sent to the French Government which will transmit it, for study, to the Executive Committee of the Commission. The latter, after examination, will present it to the Conference and advise the French Government of the Conference's opinion.

Any amendment declared acceptable will be submitted by the French Government to all the Member States for acceptance or rejection.

The Member States will notify the French Government and the Commission of their acceptance in writing.

If the majority of the States accept the amendment, it will be included in the Convention.

The instruments of acceptance of the amendment will be referred to the French Government which will acquaint the Member States and the Commission with them.

After the coming into force of an amendment, none of the States will be able to adhere to the Convention or to ratify it without accepting the amendment.

Art. 28. Any Member State can, anytime, denounce the Convention by sending a notification to the French Government.

The French Government will immediately inform each of the Member States as well as the Commission.

Art. 29. The present Convention will be written in the French language in one original which will be deposited in the archives of the French Government. The latter will provide all the Signatory Governments with true certified copies.

Art. 30. Any State may, at the time of the ratification or at any-time, declare by notification sent to the French Government, that the present Convention is applicable to the whole or a part of territories of which it assumes the foreign relations.

Art. 31. The official language of the International Sericultural Commission is the French language.

However, the Conference may provide for the use of one or several other languages for its works and debates.

Art. 32. The Commission will be liable to dissolution on decision of the Conference, provided that the Delegates are, at the time of taking such a vote, provided with the authority so to act.

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INTERNATIONAL SUGAR COUNCIL

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The new International Sugar Agreement, negotiated during the United Nations Sugar Conference held at Geneva from September 22 to October 24, 1958, entered into force on January 1, 1959. The Agreement provides that it shall come into force if countries representing at least 70% of the votes of exporting countries and 60% of the votes of importing countries have either ratified the Agreement or notified their intention to ratify, accept or accede to it, before January 1, 1959.¹

An International Sugar Council had been established pursuant to an Agreement signed at London on May 6, 1937, which came into force on September 1, 1937. Various earlier attempts had been made to draw up intergovernmental agreements of this character. These resulted in the Brussels Sugar Convention of 1902 which was European in scope, and the Chadbourne Agreement of 1931 signed by the chief sugar exporting states. The International Agreement of 1937 was negotiated pursuant to a recommendation of the World Monetary and Economic Conference of 1933 and superseded those earlier agreements. The 1937 Agreement was prolonged annually by protocols until, in July and August 1953, a United Nations Sugar Conference was held which drew up the new Agreement, dated August 24, 1953, which entered into force on December 15, 1953 for a period of five years from January 1, 1954.

The duration of the 1959 Agreement is again five years.² The Agreement is not subject to denunciation.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Agreement declares its general objectives to be to assure supplies of sugar to importing countries and markets for sugar to exporting countries at equitable and stable prices, to increase the consumption and

¹ Agreement, Art. 41.

² Id., Art. 42.

supply of sugar throughout the world, and to assist in maintaining the purchasing power in world markets of countries or areas whose economies are largely dependent upon the production or export of sugar by providing adequate returns to producers and making it possible to maintain fair standards of labor conditions and wages.¹

The Agreement lists eighteen importing countries² and twenty six exporting ones.³ The lists are not limitative and the Agreement is open for accession. The governments of exporting countries undertake to regulate exports in accordance with basic export quotas⁴ and to regulate production so as to limit the amount of stocks held.⁵

The governments of importing countries agree to restrict their imports from non-participating sources.⁶ The Council has discretion to increase or reduce quotas to meet market conditions, having regard to the prevailing prices and within fixed limits.⁷

ORGANS

The organs are:

(1) The International Sugar Council, composed of representatives of each participating government, which operates under a system of weighted voting with voting power ranging from 10 to 245 votes and a total of 1000 votes each to importing and to exporting nations.⁸

(2) An Executive Committee, composed of representatives of the Governments of seven participating exporting countries and of seven participating importing countries, each member of the Committee having one vote.⁹

(3) An Executive Director.¹⁰

(4) There are also a Statistical Committee, a Finance Committee and a Committee on the Expansion of Consumption of Sugar.

MEMBERSHIP

The members are Australia, Belgium, Brazil, Canada, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, France, German Federal Republic, Ghana, Guatemala, Haiti, Hungary, Indonesia, Ireland, Italy, Japan, Lebanon, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Panama, Peru, Philippines, Poland, Portugal, Union of South Africa, United Kingdom, United States, USSR.

MEANS OF FINANCIAL SUPPORT

Annual contributions are required of members in proportion to the number of their votes.¹¹

¹ *Id.*, Art. 1.

² *Id.*, Art. 33.

³ *Id.*, Art. 34.

⁴ *Id.*, Art. 14 and Ch. V.

⁵ *Id.*, Ch. VI.

⁶ *Id.*, Ch. IV.

⁷ *Id.*, Arts. 18, 21

⁸ *Id.*, Arts. 27, 33, 34.

⁹ *Id.*, Art. 37.

¹⁰ *Id.*, Art. 29.

¹¹ *Id.*, Art. 38.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Council has relations with the Food and Agriculture Organization, the United Nations and the International Monetary Fund.

HEADQUARTERS

Its headquarters are at 28, Haymarket, London.

INTERNATIONAL SUGAR AGREEMENT¹

January 1, 1959

THE GOVERNMENTS party to this Agreement have agreed as follows:

CHAPTER I

General Objectives

Art. 1. The objectives of this Agreement are to assure supplies of sugar to importing countries and markets for sugar to exporting countries at equitable and stable prices and, by these and other means, to facilitate steady increases in the consumption of sugar and corresponding increases in the supply of sugar, to contribute to the improvement of the living conditions of consumers throughout the world and to assist in the maintenance of the purchasing power in world markets of producing countries or areas and especially of those whose economies are largely dependent upon the production or export of sugar by providing adequate returns to producers and making it possible to maintain fair standards of labor conditions and wages; and, in general, to further international co-operation in connection with world sugar problems.

CHAPTER II

Definitions

Art. 2. For the purposes of this Agreement

(1) "Ton" means a metric ton of 1,000 kilograms.

(2) "Quota Year" means calendar year, that is, the period from 1st January to 31st December, both inclusive.

(3) "Sugar" means sugar in any of its recognized commercial forms derived from sugar cane or sugar beet, including edible and fancy molasses, syrups and any other form of liquid sugar used for human consumption, except final molasses and low-grade types of non-centrifugal sugar produced by primitive methods. Sugar destined for uses other than human consumption as food is excluded, to the extent and under such conditions as the Council may determine.

Amounts of sugar specified in this Agreement are in terms of raw value, net weight, excluding the container. Except as provided in Article 16, the raw value of any amount of sugar means its equivalent in terms of raw sugar testing 96 sugar degrees by the polariscope.

(4) "Net imports" means total imports of sugar after deducting total exports of sugar.

(5) "Net exports" means total exports of sugar (excluding sugar supplied as ships' stores for ships victualling at domestic ports) after deducting total imports of sugar.

¹ Supplied by the Secretariat.

(6) "Free market" means the total of net imports of the world market except those excluded under any provisions of this Agreement.

(7) "Importing Country" means one of the countries listed in Article 33.

(8) "Exporting Country" means one of the countries listed in Article 34.

(9) "Basic export tonnages" means the quantities of sugar specified in Article 14 (1).

(10) "Initial export quota" means the quantity of sugar allotted for the quota year under Article 18 to each country listed in Article 14 (1).

(11) "Export quota in effect" means the initial export quota as modified by such adjustments as may be made from time to time.

(12) "Stocks of Sugar", for the purposes of Article 13, means either:

(i) all sugar in country concerned either in factories, refineries, warehouses, or in the course of internal transportation for destinations within the country, but excluding bonded foreign sugar (which term shall be regarded as also covering sugar "en admission temporaire") and excluding sugar in factories, refineries and warehouses or in the course of internal transportation for destinations within the country, which is solely for distribution for internal consumption and on which such excise or other consumption duties as exist in the country concerned have been paid; or

(ii) all sugar in the country concerned either in factories, refineries, warehouses, or in the course of internal transportation for destinations within the country, but excluding bonded foreign sugar (which term shall be regarded as also covering sugar "en admission temporaire") and excluding sugar in factories, refineries and warehouses or in the course of internal transportation for destinations within the country which is solely for distribution for internal consumption:

according to the notification made to the Council by each Participating Government under Article 13.

(13) "Price" and "prevailing price" have the meanings specified in Article 20.

(14) "The Council" means the International Sugar Council established under Article 27.

(15) "The Executive Committee" means the Committee established under Article 37.

(16) "Special Vote" has the meaning specified in paragraph (2) of Article 36.

CHAPTER III

General Undertakings by Participating Governments

1. *Subsidies*

Art. 3. (1) The Participating Governments recognize that subsidies on sugar may so operate as to impair the maintenance of equitable and stable prices in the free market and so endanger the proper functioning of this Agreement.

(2) If any Participating Government grants or maintains any subsidy, including any form of income or price support, which operates directly or indirectly to increase exports of sugar from, or to reduce imports of sugar into its territory, it shall during each quota year notify the Council

in writing of the extent and nature of the subsidization, of the estimated effect of the subsidization on the quantity of sugar exported from or imported into its territory and of the circumstances making the subsidization necessary. The notification shall be given at the request of the Council, which request shall be made at least once each quota year in such form and at such time as may be provided in the rules of procedure of the Council.

(3) In any case in which a Participating Government considers that serious prejudice to its interests under this Agreement is caused or threatened by such subsidization, the Participating Government granting the subsidy shall, upon request, discuss with the other Participating Government or Governments concerned, or with the Council, the possibility of limiting the subsidization. In any case in which the matter is brought before the Council, the Council may examine the case with the Governments concerned and make such recommendations as it deems appropriate.

2. *Programs of Economic Adjustment*

Art. 4. Each Participating Government agrees to adopt such measures as it believes will be adequate to fulfil its obligations under this Agreement with a view to the achievement of the general objectives set forth in Article 1 and as will ensure as much progress as practicable within the duration of this Agreement towards the solution of the commodity problem involved.

3. *Promotion of Increased Consumption of Sugar*

Art. 5. With the object of making sugar more freely available to consumers, each Participating Government agrees to take such action as it deems appropriate to reduce disproportionate burdens on sugar including those resulting from

- (1) private and public controls, including monopoly;
- (2) fiscal and tax policies.

4. *Maintenance of Fair Labor Standards*

Art. 6. The Participating Governments declare that, in order to avoid the depression of living standards and the introduction of unfair competitive conditions in world trade, they will seek the maintenance of fair labor standards in the sugar industry.

CHAPTER IV

Special Obligations of the Participating Governments of Countries Which Import Sugar

Art. 7. (1) (i) To prevent non-participating countries from gaining advantage at the expense of participating countries, the Government of each participating country agrees that it will not permit the import for any purpose from non-participating countries as a group during any quota year of a total quantity of sugar larger than was imported from those countries as a group during any one of the three calendar years 1951, 1952, 1953; provided that the said total quantity shall not include imports purchased by a participating country from non-participating countries

during any period when by virtue of paragraph (3) of Article 21, quotas and limitations on exports are inoperative, and provided further that the Government of the participating country has notified the Council in advance that such purchases may be made.

(ii) The years referred to in sub-paragraph (i) of this paragraph may be varied by a determination of the Council on the application of any Participating Government which considers that there are special reasons for such variation.

(2) (i) If any Participating Government considers that the obligation it has assumed under paragraph (1) of this Article is operating in such a way that its country's re-export trade in refined sugar or trade in sugar-containing products is suffering damage therefrom, or is in imminent danger of being damaged, it may request the Council to take action to safeguard the trade in question, and the Council shall forthwith consider any such request and shall take action, which may include the modification of the aforesaid obligation, as it deems necessary for that purpose. If the Council fails to deal with a request made to it under this sub-paragraph within 15 days of its receipt, the Government making the request shall be deemed to have been released from its obligation under paragraph (1) of this Article to the extent necessary to safeguard the said trade.

(ii) If in a particular transaction in the usual course of trade the delay resulting from the procedure provided for in sub-paragraph (i) of this paragraph, might result in damage to a country's re-export trade in refined sugar or trade in sugar-containing products, the Government concerned shall be released from the obligation in paragraph (1) of this Article in respect of that particular transaction.

(3) (i) If any Participating Government considers that it cannot carry out the obligation in paragraph (1) of this Article, it agrees to furnish the Council with all relevant facts and to inform the Council of the measures which it would propose to take in that quota year and the Council shall within 15 days take a decision as to whether or not the obligations laid down in paragraph (1) of this Article should be modified for that quota year in respect of such Government. However, if the Council is unable to reach a decision, the Government concerned shall be released from its obligations under paragraph (1) of this Article to such extent as may be necessary to permit it to carry out in that quota year the measures it has proposed to the Council.

(ii) If the Government of any participating exporting country considers that the interests of its country are being damaged by the operation of paragraph (1) of this Article, it may furnish the Council with all relevant facts and inform the Council of the measures which it would wish to have taken by the Government of the other participating country concerned, and the Council may, in agreement with the latter Government, modify the obligation laid down in paragraph (1).

(4) The Government of each participating country which imports sugar agrees that as soon as practicable after its ratification of, acceptance of, or accession to this Agreement, it will notify the Council of the maximum quantities which could be imported from non-participating countries under paragraph (1) of this Article.

(5) In order to enable the Council to make the redistributions provided for in Article 19 (1) (ii), the Government of each participating country which imports sugar agrees to notify the Council, within a period fixed by the Council which shall not exceed eight months from the beginning of the quota year, of the quantity of sugar which it expects will be imported from non-participating countries in that quota year; provided that the Council may vary the aforesaid period in the case of any such country.

(6) The Government of each participating importing country agrees that in any quota year the total exports, if any, of sugar from its country, excluding sugar supplied as ships' stores for ships victualling at domestic ports, shall not exceed the total imports of sugar into that country in that quota year.

CHAPTER V

Special Obligations of Governments of Participating Exporting Countries

Art. 8. (1) The Government of each participating exporting country agrees that exports from its country to the free market will be so regulated that net exports to that market will not exceed the quantities which such country may export each quota year in accordance with the export quotas established for it under the provisions of this Agreement. Subject to such tolerances as the Council may prescribe, any amount by which total net exports of an exporting country in any quota year exceeds its export quota in effect at the end of that year shall be charged to the export quota in effect of that country for the next following quota year.

(2) The Council may, if it deems necessary because of exceptional circumstances, limit the proportion of their quotas which participating exporting countries having basic tonnages in excess of 75,000 tons may export during any part of a quota year, provided that no such limitations shall prevent the participating exporting countries from exporting during the first eight months of any quota year, 80 per cent of their initial export quotas and provided further that the Council may at any time modify or remove any such limitation which it may have imposed.

Art. 9. The Government of each participating exporting country agrees that it will take all practicable action to ensure that the demands of participating countries which import sugar are met at all times. To this end, if the Council should determine that the state of demand is such that, notwithstanding the provisions of this Agreement, participating countries which import sugar are threatened with difficulties in meeting their requirements, it shall recommend to participating exporting countries measures designed to give effective priority to those requirements. The Government of each participating exporting country agrees that, on equal terms of sale, priority in the supply of available sugar, in accordance with the recommendations of the Council, will be given to participating countries which import sugar.

Art. 10. The Government of each participating exporting country agrees to adjust the production of sugar in its country during the term of this Agreement and in so far as practicable in each quota year of such term by regulating the manufacture of sugar or, when this is not possible, the

acreage or plantings, so that the production shall result in such amount of sugar as may be needed to provide for domestic consumption, exports permitted under this Agreement, and maximum stocks specified in Article 13.

Art. 11. (1) The Government of each participating exporting country agrees to notify the Council, as soon as possible, but not later than 15 May whether or not it expects that its country's export quota in effect at the time of notification will be used and, if not, of such part of its country's export quota in effect as it expects will not be used, and on receipt of such advice, the Council shall take action in accordance with Article 19 (1) (i).

(2) In addition to the notification provided for in paragraph (1) above the Government of each participating exporting country agrees to notify the Council, as soon as possible after 15 May, but not later than 30 September, whether or not it expects that its country's export quota in effect at the time of that notification will be used and, if not, of such part of its country's export quota in effect as it expects will not be used, and on receipt of such advice, the Council shall take action in accordance with Article 19 (1) (i).

Art. 12. (1) If the actual net exports to the free market of any participating exporting country in a quota year fall short of its export quota in effect at the time of notification by its Government in accordance with paragraph (1) of Article 11, less such part, if any, of that quota as the Government has notified under paragraph (1) of Article 11 that it expected would not be used, and less any net reduction in its export quota in effect made subsequently by the Council under Article 21, the difference shall be deducted from that country's export quota in effect in the following quota year to the extent that such difference exceeds 50 per cent of the amount notified under paragraph (1) of Article 11.

(2) Without prejudice to the provisions in paragraph (1) of this Article, if the actual net exports to the free market of any participating exporting country in a quota year fall short of its export quota in effect at the time of notification by its Government in accordance with paragraph (2) of Article 11, less any reduction in its export quota in effect made subsequently by the Council under Article 21, an allowance of 50 per cent of the amount notified in accordance with paragraph (2) of Article 11 shall be made against the deduction of that shortfall from that country's export quota in the following quota year.

(3) If no notification is given under Article 11, the whole of any shortfall of total net exports during the quota year below the export quota in effect at the end of that quota year shall be charged to the export quota of that country in the following quota year.

(4) The Council may modify the amounts to be deducted under this Article if it is satisfied by an explanation from the participating country concerned that its net exports fell short by reason of *force majeure*.

(5) The Government of each participating exporting country undertakes to notify the Council before 1 April in any quota year of its total net exports in the previous quota year.

CHAPTER VI

Stocks

Art. 13. (1) The Governments of participating exporting countries undertake so to regulate production in their countries that the stocks in their respective countries shall not exceed for each country on a fixed date each year immediately preceding the start of the new crop, such date to be agreed with the Council, an amount equal to 20 per cent of its annual production.

(2) Nevertheless, the Council may, if it considers that such action is justified by special circumstances, authorize the holding of stocks in any country in excess of 20 per cent of its production.

(3) The Government of each participating country listed in Article 14 (1) agrees:

(i) that stocks equal to an amount of not less than 12½ per cent of its country's basic export tonnage shall be held in its country at a fixed date each year immediately preceding the start of the new crop, such date to be agreed with the Council, unless drought, flood or other adverse conditions prevent the holding of such stocks; and

(ii) that such stocks shall be earmarked to fill increased requirements of the free market and used for no other purpose without the consent of the Council, and shall be immediately available for export to that market when called for by the Council.

(4) The Council may increase to 15 per cent or reduce to 10 per cent the amount of minimum stocks to be carried in each quota year under paragraph (3) of this Article. If any Participating Government considers that, owing to special circumstances, the amount of the minimum stocks required to be held in its country under paragraphs (3) or (4) of this Article should be less, it may state its case to the Council. If the Council finds the contentions of the Government concerned well founded, it may vary the amount of minimum stocks to be held in the country concerned.

(5) The Government of each participating country, in which stocks are held under the provisions of paragraph (3) as they may be modified by the provisions of paragraph (4) of this Article, agrees that unless otherwise authorized by the Council, stocks held under those provisions shall be used neither for meeting priorities under Article 14C, nor for meeting increases in quotas in effect under Article 21 while such quotas are lower than its country's basic export tonnage, unless the stocks so used can be replaced before the beginning of its country's crop in the ensuing quota year.

(6) The Government of each participating exporting country agrees that, as far as possible, it will not permit the disposal of stocks held under this Article, following its withdrawal from this Agreement or following the expiration of this Agreement, in such a manner as to create undue disturbance in the free market for sugar.

(7) At the time of deposit of its instrument of ratification, acceptance or accession, each Government shall notify the Government of the United Kingdom of Great Britain and Northern Ireland for transmission to the Council, which of the two definitions of 'stocks of sugar' in Article 2 it accepts as applicable to its country.

CHAPTER VII

*Regulation of Exports**A. Basic Export Tonnages*

Art. 14. (I) For each of the quota years during which this Agreement is in force the exporting countries or areas named below shall have the following basic export tonnages for the free market:

	(in thousands of tons)
Belgium (including Belgian Congo)	55 ¹
Brazil	550
China (Taiwan)	655
Colombia	5
Cuba	2,415
Czechoslovakia	275
Denmark	75
Dominican Republic	655
France	20 ²
Germany, Eastern	150
Haiti	45
Hungary	40
India	100
Indonesia	350
Italy	20
Mexico	75
Netherlands	40 ³
Peru	490
Philippines	25
Poland	220
Portugal	20
Turkey	10
U.S.S.R.	200

(2) (a) The export quotas of the Czechoslovak Republic, Hungary and the People's Republic of Poland do not include their exports of sugar to the U.S.S.R. and these exports are outside this Agreement.

(b) The U.S.S.R. export quota is calculated without taking into account imports of sugar from the Czechoslovak Republic, Hungary and the People's Republic of Poland in excess of 50,000 tons.

(3) Costa Rica, Ecuador, Guatemala, Nicaragua and Panama, to which no basic export tonnages have been allotted under this Article may each export to the free market up to 5,000 tons raw value a year.

(4) This Agreement does not ignore, and does not have the purpose of nullifying Indonesia's aspiration as a Sovereign State for its rehabilitation to its historical position as a sugar exporting country to the extent that may be practicable within the possibilities of the free market.

¹ In calculating Belgium's net exports, the first 25 thousand tons of exports to Morocco shall be excluded.

² Having regard to the links existing between France and Morocco and Tunisia within the French franc monetary zone and considering that Morocco and Tunisia import from the free market, France is authorized to export, in addition to its export quota in effect, a net annual amount of 380 thousand tons of sugar.

³ The Kingdom of the Netherlands undertakes not to export over the years 1959, 1960 and 1961, taken as a whole, a greater amount of sugar than it imports during the same period.

B. *Special reserve*

(5) A special reserve is established for each of the first three quota years of this Agreement and is allocated as follows:

	(in thousands of tons)
China (Taiwan)	95
India	50
Indonesia	50
Philippines	20

Notwithstanding that these allocations are not basic export tonnages, the provisions of the Agreement other than those of Article 19 shall apply to them as if they were basic export tonnages.

C. *Priorities on Shortfalls and on increased free market requirements*

(6) In determining export quotas in effect the following priorities shall be applied in accordance with the provisions of paragraph (7) of this Article:

- (a) The first 50,000 tons will be allotted to Cuba.
- (b) The next 25,000 tons will be allotted to Poland.
- (c) The next 25,000 tons will be allotted to Czechoslovakia.
- (d) The next 10,000 tons will be allotted to Hungary.

(7) (i) In redistributions resulting from the provisions of Articles 19 (I) (i) and 19 (2), the Council shall give effect to the priorities listed in paragraph (6) of this Article.

(ii) In distributions resulting from the provisions of Articles 18, 19 (I) (ii) and 21, the Council shall not give effect to the said priorities until the exporting countries listed in paragraph (I) of this Article have been offered export quotas equal to the total of their basic export tonnages, subject to any reductions applied under Article 12 and 21 and thereafter shall give effect to the said priorities only in so far as the said priorities have not already been brought into effect in accordance with sub-paragraph (i) of this paragraph.

(iii) Reductions resulting from the application of the provisions of Article 21 shall be applied *pro rata* to the basic export tonnages until the export quotas in effect have been reduced to the total of the basic export tonnages plus the total of the priorities allotted due to increases in free market requirements for that year, after which the priorities shall be deducted in the reverse order and thereafter reductions shall be applied again *pro rata* to basic export tonnages.

Art. 15. This Agreement does not apply to movements of sugar between the Belgo-Luxembourg Economic Union (including the Belgian Congo), France, the Federal Republic of Germany, Italy and the Kingdom of the Netherlands up to a net amount of 150,000 tons of sugar per year.

Art. 16. (1) The Government of the United Kingdom of Great Britain and Northern Ireland (on behalf of the British West Indies and British Guiana, Mauritius and Fiji), the Government of the Commonwealth of Australia and the Government of the Union of South Africa undertake that net exports of sugar by the exporting territories covered by the Commonwealth Sugar Agreement of 1951 (excluding local movements of

sugar between adjoining Commonwealth territories, or islands, in such quantities as can be authenticated by custom) shall not together exceed the following total quantities:

(i) In the calendar year 1959 2,500,000 English long tons (2,540,835 tons) *tel quel*;

(ii) In the calendar years 1960 and 1961 2,575,000 English long tons (2,617,060 tons) *tel quel* per year.

In addition to providing for the export of the quantities set out above, the Governments above-mentioned agree that except by reason of drought, flood or other adverse conditions stocks to a total of not less than 50,000 English long tons (50,817 tons) *tel quel* shall be held in the exporting territories as a group covered by the Commonwealth Sugar Agreement at all times in each calendar year unless and until they have been released with the consent of the Council, and that those stocks shall be immediately available for export to the free market when called for by the Council.

(2) These limitations have the effect of leaving available to the free market a share in the sugar markets of Commonwealth countries. The Governments aforementioned would, however, regard themselves as released from their obligation thus to limit exports of Commonwealth sugar if a Government or Governments of a participating exporting country or of participating countries having a basic export tonnage or tonnages under Article 14 (1) should enter into a special trading arrangement with an importing country of the Commonwealth which would guarantee the exporting country a specified portion of the market of that Commonwealth country.

(3) The Government of the United Kingdom of Great Britain and Northern Ireland with the concurrence of the Government of the Commonwealth of Australia and the Government of the Union of South Africa, undertakes to provide the Council sixty days in advance of the beginning of each quota year with an estimate of total net exports from the exporting territories covered by the Commonwealth Sugar Agreement in such year and to inform the Council promptly of any changes in such estimate during that year. The information supplied to the Council by the United Kingdom pursuant to this undertaking shall be held to discharge fully the obligations in Articles 11 and 12 so far as the aforementioned territories are concerned.

(4) The provisions of paragraphs (3) and (4) of Article 13 shall not apply to the exporting territories covered by the Commonwealth Sugar Agreement.

(5) Nothing in this Article shall be held to prevent any participating country exporting to the free market from exporting sugar to any country within the British Commonwealth nor, within the quantitative limits set out above, to prevent any Commonwealth country from exporting sugar to the free market.

Art. 17. Exports of sugar to the United States of America for consumption therein shall not be considered exports to the free market and shall not be charged against the export quotas established under this Agreement.

Art. 18. (1) Before the beginning of each quota year the Council shall cause an estimate to be made of the net import requirements of the free market during such year for sugar from exporting countries listed in Article 14 (1). In the preparation of this estimate, there shall be taken into account among other factors the total amount of sugar which the Council is notified could be imported from non-participating countries under the provisions of Article 7 (4).

(2) At least thirty days before the beginning of each quota year the Council shall consider the estimate prepared in accordance with paragraph (1) of this Article. After considering that estimate and all other factors affecting the supply and demand for sugar on the free market the Council shall forthwith assign a provisional initial export quota for the free market for such year to each of the exporting countries listed in Article 14 (1) *pro rata* to their basic export tonnages, subject to the provisions of Article 14 C, and to such charges and deductions as may be required under Article 8 (1) and Article 12, provided that if at the time of fixing provisional initial export quotas the prevailing price is not less than 3.15 cents the total of the provisional initial export quotas shall, unless the Council otherwise decides by Special Vote, be not less than 90 per cent of the basic export tonnages, the distribution among exporting countries being made in the same manner provided in this paragraph.

(3) Prior to 1 April in each quota year, the Council shall make a further estimate of free market requirements in the manner provided in paragraph (1) of this Article. After considering that estimate and all other factors affecting the supply and demand for sugar on the free market, the Council shall, not later than 1 April and in the manner provided in paragraph 2 of this Article, make a final determination of initial export quotas. Thereafter, any references to initial export quotas in other Articles of this Agreement shall be deemed to be references to the initial export quotas as finally determined.

(4) As soon as the final determination of initial export quotas has been made, export quotas in effect shall immediately be adjusted as if the provisional initial export quotas had been the same as those finally determined, due account thus being taken of any variations in those provisional quotas made by the Council under other Articles of this Agreement prior to the final determination. Adjustment of export quotas in effect in accordance with this paragraph shall be without prejudice to such powers or duties to vary quotas in effect as are possessed by the Council under other Articles of this Agreement.

(5) At the time of the adjustment of export quotas in effect in accordance with paragraph (4) of this Article, the Council shall also review the supplies of sugar available for the free market for that quota year and shall consider the variation of export quotas in effect of particular countries by the exercise of its powers under Article 19 (2) of this Agreement.

(6) The Council shall have power by Special Vote to set aside in any quota year up to 40,000 tons of the net import requirements of the free market as a reserve from which it may allot additional export quotas to meet proved cases of special hardship.

Art. 19. (1) The Council shall cause export quotas in effect for participating countries listed in Article 14 (1) to be adjusted, subject to the provisions of Article 14C, as follows:

(i) Within 10 days after the Government of any exporting country has given notice pursuant to Article 11 that a part of the initial export quota or export quota in effect will not be used, to reduce accordingly the export quota in effect of such country and to increase the export quotas in effect of other exporting countries by re-distributing an amount of sugar equal to the part of the quota so renounced *pro rata* to their basic export tonnages. The Council shall forthwith notify Governments of exporting countries of such increases, and those Governments shall, within 10 days of receipt of such notification, inform the Council whether or not they are in a position to use the increase in quota allotted to them. On receipt of such information, a subsequent redistribution of the quantity involved shall be made and Governments of exporting countries concerned shall be notified forthwith by the Council of the increases made in their countries' export quotas in effect.

(ii) From time to time to take into account variations in the estimates of the quantities of sugar which the Council is notified will be imported from non-participating countries under Article 7; provided, however, that such quantities need not be re-distributed until they reach a total of 5,000 tons. Redistributions under this sub-paragraph shall be made on the same basis and in the same manner as is provided in paragraph (1) (i) of this Article.

(2) Notwithstanding the provisions of Article 11, if the Council, after consultation with the Government of any participating exporting country, determines that such country will be unable to use all or part of its export quota in effect, the Council may increase *pro rata* the export quotas of other participating exporting countries on the same basis and in the same manner as is provided for in paragraph (1) (i) of this Article; provided, however, that such action by the Council shall not deprive the country concerned of its right to fill its export quota which was in effect before the Council made its determination.

CHAPTER VIII

Stabilization of Prices

Art. 20. (1) For the purposes of this Agreement any reference to the price of sugar shall be deemed to be to the spot price in United States currency per pound avoirdupois free alongside steamer Cuban port, as established by the New York Coffee and Sugar Exchange in relation to sugar covered by Contract No. 4, or any alternative price which may be established under paragraph (2) of this Article: and where any reference is made to the prevailing price being above or below any stated figure, that condition shall be deemed to be fulfilled if the average price over a period of seventeen consecutive market days has been above or below the stated figure, as the case may be, provided that the spot price on the first day of the period and on not less than twelve days within the period has also been above or below the stated figure, as the case may be.

(2) In the event of the price referred to in paragraph (1) of this Article

not being available at a material period, the Council shall use such other criteria as it sees fit.

(3) Any of the prices laid down in Articles 18 and 21 may be modified by the Council by a Special Vote.

Art. 21. (1) The Council shall have discretion to increase or reduce quotas to meet market conditions, provided that:

(i) when the prevailing price is not less than 3.25 cents and not more than 3.45 cents no increase shall be made so as to bring into effect quotas greater in total than the basic export tonnages plus 5 per cent or the initial export quotas, whichever are the greater, and no decrease shall be made so as to bring into effect quotas which are less in total than either the initial export quotas less 5 per cent or the basic export tonnages less 10 per cent, whichever are the greater;

(ii) when the prevailing price exceeds 3.45 cents the quotas in effect shall be not less than the initial export quotas or the basic export tonnages, whichever are the greater;

(iii) when the prevailing price exceeds 3.75 cents the Council shall meet within seven days to consider the market situation and to take such action in regard to quotas as may be appropriate for the purpose of achieving the general objectives of this Agreement. In the absence of agreement by the Council on the action to be taken the quotas in effect shall forthwith be increased by $2\frac{1}{2}$ per cent. If, after action decided by the Council has been taken or the quotas have been increased by $2\frac{1}{2}$ per cent, the prevailing price continues to be above 3.75 cents, the Council shall meet again within seven days in order to give further consideration to the market situation;

(iv) when, after quotas in effect have been raised in pursuance of subparagraph (iii) of this paragraph, the prevailing price falls below 3.75 cents, quotas in effect shall be restored to the level at which they were before the above-mentioned increase;

(v) if the prevailing price is below 3.25 cents the export quotas in effect shall at once be reduced by $2\frac{1}{2}$ per cent and the Council shall meet within seven days to decide whether any further reduction shall be made; and if no agreement is reached at such meeting the percentage of the reduction shall be raised to 5 per cent, provided that reductions shall not be made so as to reduce the quotas below 90 per cent of the basic export tonnages unless the prevailing price is below 3.15 cents in which case further reduction may be made within the limits prescribed by Article 23; and

(vi) if the prevailing price has risen above 3.25 cents and the export quotas in effect are below 90 per cent of the basic export tonnages, the export quotas in effect shall be increased at once by $2\frac{1}{2}$ per cent and the Council shall meet within seven days to decide whether a further increase shall be made; and if no agreement is reached at such meeting the percentage of the increase shall be raised to 5 per cent or such lesser amount as is required to restore the quotas to 90 per cent.

(2) In considering changes in quotas under this Article the Council shall take into account all factors affecting the supply and demand for sugar on the free market.

(3) If the prevailing price exceeds 4.00 cents all quotas and limitations on exports under any of the Articles of this Agreement shall for the time being become inoperative, provided that if subsequently the prevailing price falls below 3.90 cents the quotas and limitations previously in effect shall be restored, subject to the power of the Council to vary quotas under paragraph (1) of this Article.

(4) If the Council is satisfied that a new situation has arisen which endangers the attainment of the general objectives of the Agreement it may, by Special Vote, suspend temporarily for such period as it may think necessary the limits imposed under the preceding paragraphs of this Article upon its discretion to increase quotas; and during the period of such suspension the Council shall have full discretion to increase quotas as it may think necessary and to cancel such increases when they are no longer required.

(5) All changes in quotas made under this Article shall be *pro rata* to the basic export tonnages, subject to the provisions of Article 14 C; and any references to percentages of quotas shall be construed as percentages of the basic export tonnages.

(6) Notwithstanding the provisions of paragraph (1) of this Article, if the export quota of any country has been reduced under Article 19 (1) (i) such reduction shall be deemed to form part of the reductions made in the same quota year under the terms of paragraph (1) of this Article.

(7) The Council shall notify Participating Governments of each change made under this Article in the export quotas in effect.

(8) If any reduction made under the preceding paragraphs of this Article cannot be fully applied to the export quota in effect of any exporting country because, at the time the reduction is made, that country has already exported all or part of the amount of such reduction, a corresponding amount shall be deducted from the export quota in effect of that country in the following quota year.

Art. 22. (1) During the first quota year of this Agreement, the Council shall consider, and make recommendations to interested participating Governments concerning the negotiation of arrangements for multilateral options drawn up in accordance with the provisions of this Article.

(2) Such arrangements shall be designed to secure that, if the prevailing price moves beyond the highest or lowest price of the range set out in Article 21, the Participating Governments concerned will have the right to exercise options for sale or purchase, as the case may be, in respect of such quantities of sugar as may be prescribed in the arrangements.

(3) The options shall be exercisable in accordance with such limits as to time and frequency, or otherwise, as may be prescribed in the arrangement.

(4) The arrangements shall take into account the traditional pattern of the trade in sugar.

(5) The Council may establish such Committees as it deems desirable to assist it in the examination of these questions and to formulate the recommendations provided for in paragraph (1) above.

CHAPTER IX

General Limitation of Reductions in Export Quotas

Art. 23. (1) Except in respect of penalties imposed under Article 12 and reductions made under Article 19 (1) (i), the export quota in effect

of any participating exporting country listed in Article 14 (1) shall not be reduced below 80 per cent of its basic export tonnage and all other provisions of this Agreement shall be construed accordingly; provided, however, that the export quota in effect of any participating exporting country having a basic export tonnage under Article 14 (1) of less than 50,000 tons shall not be reduced below 90 per cent of its basic export tonnage.

(2) A reduction of quotas under Article 21 shall not be made within the last forty-five calendar days of the quota year.

CHAPTER X

Sugar Mixtures

Art. 24. Should the Council at any time be satisfied that as the result of a material increase in the exportation or use of sugar mixtures, those products are taking the place of sugar to such an extent as to prevent full effect being given to the purpose of this Agreement it may resolve that such products or any of them shall be deemed to be sugar, in respect of their sugar content, for the purposes of the Agreement; provided that the Council shall, for the purpose of calculating the amount of sugar to be charged to the export quota of any participating country, exclude the sugar equivalent of any quantity of such products which has normally been exported from that country prior to the coming into force of this Agreement.

CHAPTER XI

Monetary Difficulties

Art. 25. (1) If, during the term of this Agreement the Government of a participating importing country considers that it is necessary for it to forestall the imminent threat of, or to stop or to correct a serious decline in its monetary reserves, it may request the Council to modify particular obligations of this Agreement.

(2) The Council shall consult fully with the International Monetary Fund on questions raised by such request and shall accept all findings of statistical and other facts made by the Fund relating to foreign exchanges, monetary reserves and balance of payments, and shall accept the determination of the Fund as to whether the country involved has experienced or is imminently threatened with a serious deterioration in its monetary reserves. If the country in question is not a member of the International Monetary Fund and requests that the Council should not consult the Fund, the issues involved shall be examined by the Council without such consultation.

(3) In either event, the Council shall discuss the matter with the Government of the importing country. If the Council decides that the representations are well founded and that the country is being prevented from obtaining a sufficient amount of sugar to meet its consumption requirements consistently with the terms of this Agreement, the Council may modify the obligations of such Government or of the Government of any

exporting country under this Agreement in such manner and for such time as the Council deems necessary to permit such importing country to secure a more adequate supply of sugar with its available resources.

CHAPTER XII

Studies by the Council

Art. 26. (1) The Council shall consider and make recommendations to the Governments of participating countries concerning ways and means of securing appropriate expansion in the consumption of sugar, and may undertake studies of such matters as:

(i) The effects of (a) taxation and restrictive measures and (b) economic climatic and other conditions on the consumption of sugar in the various countries;

(ii) Means of promoting consumption, particularly in countries where consumption *per capita* is low;

(iii) The possibility of co-operative publicity programs with similar agencies concerned with the expansion of consumption of other food-stuffs;

(iv) Progress of research into new uses of sugar, its by-products, and the plants from which it is derived.

(2) Furthermore, the Council is authorized to make and arrange for other studies, including studies of the various forms of special assistance to the sugar industry, for the purpose of assembling comprehensive information and for the formulation of proposals which the Council deems relevant to the attainment of the general objectives set forth in Article 1 or relevant to the solution of the commodity problem involved. Any such studies shall relate to as wide a range of countries as practicable and shall take into consideration the general social and economic conditions of the countries concerned.

(3) The studies undertaken pursuant to paragraphs (1) and (2) of this Article shall be carried out in accordance with such terms as may be laid down by the Council, and in consultation with the Participating Governments.

(4) The Governments concerned agree to inform the Council of the results of their consideration of the recommendations and proposals referred to in this Article.

(5) The Council, in furtherance of Resolution No. 1 of the United Nations Sugar Conference of 1956, the purposes of this Article and the general objectives of this Agreement set forth in Article 1, shall appoint a Committee to assist it in carrying out its functions under this Article, especially those which relate to sub-paragraphs (ii) and (iv) of paragraph (1), including in particular the compilation of results of research, wherever conducted, into the consumption and new uses of sugar and its by-products and the dissemination of those results.

CHAPTER XIII

Administration

Art. 27. (1) The International Sugar Council established under the International Sugar Agreement, 1953¹, as amended by the Protocol of 1956², shall continue in being for the purpose of administering the present Agreement, with the membership, powers and functions set out in this Agreement.

(2) Each Participating Government shall be a voting member of the Council and shall have the right to be represented on the Council by one delegate and may designate alternate delegates. A delegate or alternate delegates may be accompanied at meetings of the Council by such advisers as each Participating Government deems necessary.

(3) The Council shall elect a non-voting Chairman who shall hold office for one quota year and shall serve without pay. He shall be selected alternately from among the delegations of the importing and exporting participating countries.

(4) The Council shall elect a Vice-Chairman who shall hold office for one quota year and shall serve without pay. He shall be selected alternately from among the delegations of the exporting and importing participating countries.

(5) The Council shall have in the territory of each Participating Government, with effect from 1 January 1959 and to the extent consistent with its law, such legal capacity as may be necessary in discharging its functions under this Agreement.

Art. 28. (1) The Council shall adopt rules of procedure which shall be consistent with the terms of this Agreement, and shall keep such records as are required to enable it to discharge its functions under this Agreement and such other records as it considers desirable. In the case of inconsistency between the rules of procedure so adopted and the terms of this Agreement, the Agreement shall prevail.

(2) The Council may, by a Special Vote, delegate to the Executive Committee set up under Article 37 the exercise of any of its powers and functions other than those requiring a decision by Special Vote under this Agreement. The Council may, at any time, revoke such a delegation by a majority of the votes cast.

(3) The Council may appoint such permanent or temporary Committees as it considers advisable in order to assist it in performing its functions under this Agreement.

(4) The Council shall develop, prepare, and publish such reports, studies, charts, analyses and other data as it may deem desirable and helpful.

(5) The Participating Governments undertake to make available and supply all such statistics and information as are necessary to the Council or the Executive Committee to enable it to discharge its functions under this Agreement.

¹ "Treaty Series No. 28 (1956)", Cmnd 9815.

² "Treaty Series No. 43 (1958)", Cmnd. 557.

(6) The Council shall publish at least once a year a report of its activities and of the operation of this Agreement.

(7) The Council shall perform such other functions as are necessary to carry out the terms of this Agreement.

Art. 29. The Council shall appoint an Executive Director, who shall be its chief administrative officer. In accordance with rules established by the Council, the Executive Director shall appoint such staff as may be required for the work of the Council and its Committees. It shall be a condition of employment of the Executive Director and of the staff that they do not hold or shall cease to hold financial interest in the sugar industry or in the trade in sugar and that they shall not seek or receive instructions regarding their duties under this Agreement from any Government or from any other Authority external to the Council.

Art. 30. (1) The Council shall select its seat. Its meeting shall be held at its seat, unless the Council decides to hold a particular meeting elsewhere.

(2) The Council shall meet at least once a year. It may be convened at any other time by its Chairman.

(3) The Chairman shall convene a session of the Council if so requested by

- (i) Five Participating Governments, or
- (ii) Any Participating Government or Governments holding not less than 10 per cent of the total votes, or
- (iii) The Executive Committee

Art. 31. The presence of delegates holding 75 per cent of the total votes of the Participating Governments shall be necessary to constitute a quorum at any meeting of the Council, but if no such quorum is present on the day fixed for a meeting of the Council which has been called pursuant to Article 30, such meeting shall be held seven days later and the presence of delegates holding 50 per cent of the total votes of the Participating Governments shall then constitute a quorum.

Art. 32. The Council may make decisions, without holding a meeting, by correspondence between the Chairman and the Participating Governments provided that no Participating Government makes objection to this procedure. Any decision so taken shall be communicated to all the Participating Governments as soon as possible and shall be set forth in the minutes of the next meeting of the Council.

Art. 33. The votes to be exercised by the respective delegations of importing countries on the Council shall be as follows:

Canada	85
Ceylon	20
Chile	30
Finland	20
Federal Republic of Germany	45
Ghana	10
Greece	10
Ireland	10
Israel	10
Japan	150
Federation of Malaya	20
Morocco	45
Norway	20
Pakistan	15
Sweden	10
Tunisia	10
United Kingdom	245
United States of America	245
Total	1,000

Art. 34. The votes to be exercised by the respective delegations of exporting countries on the Council shall be as follows:

Australia	45
Belgium	15
Brazil	70
China	65
Costa Rica	10
Cuba	245
Czechoslovakia	35
Denmark	15
Dominican Republic	65
France	30
Guatemala	10
Haiti	10
Hungary	15
India	35
Indonesia	40
Italy	15
Mexico	20
Netherlands	15
Nicaragua	10
Panama	10
Peru	50
Philippines	20
Poland	30
Portugal	10
South Africa	20
U.S.S.R.	95
	1,000

Art. 35. Whenever the membership of this Agreement changes or when any country is suspended from voting or recovers its votes under any provision of this Agreement, the Council shall redistribute the votes within each group (importing countries and exporting countries), proportionally to the number of votes held by each member of the group, provided that no country shall have less than 10 or more than 245 votes

and that there shall be no fractional votes, and provided further that the votes of countries having 245 votes under Article 33 or 34 shall not be reduced, having regard to the substantial number of votes relinquished by each of those countries when accepting the number of votes attributed to them in Articles 33 and 34.

Art. 36. (1) Except where otherwise specifically provided for in this Agreement, decisions of the Council shall be by a majority of the votes cast by the exporting countries and a majority of the votes cast by the importing countries provided that the latter majority shall consist of votes cast by not less than one-third in number of the importing countries present and voting.

(2) When a Special Vote is required, decisions of the Council shall be by at least two-thirds of the votes cast, which shall include a majority of the votes cast by the exporting countries and a majority of the votes cast by the importing countries; provided that the latter majority shall consist of votes cast by not less than one-third in number of the importing countries present and voting.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this Article, at any session of the Council convened in accordance with Article 30 (3) (i) or Article 30 (3) (u) to deal with any question relating to Article 21, decisions of the Council on action taken by the Executive Committee under the said Articles shall be by a simple majority of the votes cast by the participating countries present and voting taken as a whole.

(4) The Government of any participating exporting country may authorize the voting delegate of any other exporting country and the Government of any participating importing country may authorize the voting delegate of any other importing country to represent its interests and to exercise its votes at any meeting or meetings of the Council. Evidence of such authorization satisfactory to the Council shall be submitted to the Council.

(5) Each Participating Government undertakes to accept as binding all decisions of the Council under the provisions of this Agreement.

Art. 37. (1) The Council shall establish an Executive Committee, which shall be composed of representatives of the Governments of seven participating exporting countries which shall be selected for a quota year by a majority of the votes held by the exporting countries and of representatives of the Governments of seven participating importing countries which shall be selected for a quota year by a majority of the votes held by the importing countries.

(2) The Executive Committee shall exercise such powers and functions of the Council as are delegated to it by the Council.

(3) The Executive Director of the Council shall be *ex officio* Chairman of the Executive Committee but shall have no vote. The Committee may elect a Vice-Chairman and shall establish its Rules of Procedure subject to the approval of the Council.

(4) Each member of the Committee shall have one vote. In the Executive Committee, decisions shall be by a majority of the votes cast by

the exporting countries and a majority of the votes cast by the importing countries.

(5) Any Participating Government shall have the right of appeal to the Council under such conditions as may be prescribed by the Council, against any decision of the Executive Committee. In so far as the decision of the Council does not accord with the decision of the Executive Committee the latter shall be modified as of the date on which the Council makes its decision.

CHAPTER XIV

Finance

Art. 38. (1) Expenses of delegations to the Council, representatives on the Executive Committee, and on any other Committee established in accordance with this Agreement shall be met by their respective Governments. The other expenses necessary for the administration of this Agreement, including remuneration which the Council pays, shall be met by annual contributions of the Participating Governments. The contribution of each Participating Government for each quota year shall be proportionate to the number of votes held by it when the budget for that quota year is adopted.

(2) At its first session under this Agreement the Council shall approve its budget for the first quota year and assess the contributions to be paid by each Participating Government.

(3) The Council shall, each quota year, approve its budget for the following quota year and assess the contribution to be paid by each Participating Government for such quota year.

(4) The initial contribution of any Participating Government acceding to this Agreement under Article 41 shall be assessed by the Council on the basis of the number of votes to be held by it and the period remaining in the current quota year, but the assessments made upon other Participating Governments for the current quota year shall not be altered.

(5) Contributions shall become payable at the beginning of the quota year in respect of which the contribution is assessed and in the currency of the country where the seat of the Council is situated. Any Participating Government failing to pay its contribution by the end of the quota year in respect of which such contribution has been assessed shall be suspended of its voting rights until its contribution is paid, but, except by Special Vote of the Council, shall not be deprived of any of its other rights nor relieved of any of its obligations under this Agreement.

(6) To the extent consistent with the laws of the country where the seat of the Council is situated, the Government of that country shall grant exemption from taxation with effect from 1 January on the assets, income and other property of the Council and on remuneration paid by the Council to its employees.

(7) The Council, shall, each quota year, publish an audited statement of its receipts and expenditures during the previous quota year.

(8) The Council shall, prior to its dissolution, provide for the settlement of its liabilities and the disposal of its records and assets.

CHAPTER XV

Co-operation with other Organizations

Art. 39. (1) The Council in exercising its functions under this Agreement, may make arrangements for consultation and co-operation with appropriate organizations and institutions and may also make such provisions as it deems fit for representatives of those bodies to attend meetings of the Council.

(2) If the Council finds that any terms of this Agreement are materially inconsistent with such requirements as may be laid down by the United Nations or through its appropriate organs and specialized agencies regarding intergovernmental commodity agreements, the inconsistency shall be deemed to be a circumstance affecting adversely the operation of this Agreement and the procedure prescribed in Article 43 shall be applicable.

CHAPTER XVI

Disputes and Complaints

Art. 40. (1) Any dispute concerning the interpretation or application of this Agreement, which is not settled by negotiation, shall, at the request of any Participating Government party to the dispute, be referred to the Council for decision.

(2) In any case where a dispute has been referred to the Council under paragraph (1) of this Article, a majority of Participating Governments or Participating Governments holding not less than one-third of the total votes, may require the Council, after full discussion, to seek the opinion of the advisory panel referred to in paragraph (3) of this Article on the issues in dispute before giving its decision.

(3) (i) Unless the Council unanimously agrees otherwise, the panel shall consist of:

(a) two persons, one having wide experience in matters of the kind in dispute and the other having legal standing and experience, nominated the exporting countries;

(b) two such persons nominated by the importing countries; and

(c) a chairman selected unanimously by the four persons nominated under (a) and (b), or, if they fail to agree, by the Chairman of the Council.

(ii) Persons from countries whose Governments are parties to this Agreement, shall be eligible to serve on the advisory panel.

(iii) Persons appointed to the advisory panel shall act in their personal capacities and without instructions from any Government.

(iv) The expenses of the advisory panel shall be paid by the Council.

(4) The opinion of the advisory panel and the reasons therefor shall be submitted to the Council which, after considering all the relevant information, shall decide the dispute.

(5) Any complaint that any Participating Government has failed to fulfil its obligations under this Agreement shall, at the request of the Participating Government making the complaint, be referred to the Council which shall make a decision on the matter.

(6) No Participating Government shall be found to have committed a breach of this Agreement except by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries. Any finding that a Participating Government is in breach of the Agreement shall specify the nature of the breach.

(7) If the Council finds that a Participating Government has committed a breach of this Agreement, it may by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries suspend the Government concerned of its voting rights until it fulfils its obligations or expel that Government from this Agreement.

CHAPTER XVII

Signature, Acceptance, Entry into Force and Accession

Art. 41. (1) This Agreement shall be open for signature from 1 December to 24 December 1958, by the Governments represented by delegates at the Conference at which this Agreement was negotiated.

(2) This Agreement shall be subject to ratification or acceptance by the signatory Governments in accordance with their respective constitutional procedures, and the instruments of ratification or acceptance shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland.

(3) This Agreement shall be open for accession by any Governments referred to in Article 33 or 34 and such accession shall be effected by the deposit of an instrument of accession with the Government of the United Kingdom of Great Britain and Northern Ireland.

(4) The Council may approve accession to this Agreement by the Government of any Member of the United Nations and by any Government invited to the United Nations Sugar Conference of 1958, but which is not referred to in Articles 33 or 34, provided that the conditions of such accession shall first be agreed upon with the Council by the Government desiring to effect it. Conditions agreed by the Council in accordance with this paragraph shall be consistent with the provisions of this Agreement, and where the Council agrees a basic export tonnage in respect of a Government of an exporting country not named in Article 14, it shall do so by Special Vote. Where any Government desiring to accede to this Agreement requests amendment of the Agreement as a condition of accession, the accession shall not be approved unless and until the Council has recommended such amendment and it has taken effect in accordance with Article 43.

(5) Subject to the provisions of paragraph 6 (i) of this Article, the effective date of a Government's participation in this Agreement shall be the date on which the instrument of ratification, acceptance or accession is deposited with the Government of the United Kingdom of Great Britain and Northern Ireland.

(6) (i) This Agreement shall enter into force on 1 January 1959 between those Governments which have by that date deposited instruments of ratification, acceptance or accession, provided that such Governments hold 60 per cent of the votes of importing countries and 70 per cent of the

votes of exporting countries in accordance with the distribution established in Articles 33 and 34. Instruments of ratification, acceptance or accession deposited thereafter shall take effect on the date of their deposit.

(ii) For the purposes of entry into force of this Agreement in accordance with sub-paragraph (i) above, a notification containing an undertaking to seek ratification, acceptance or accession in accordance with constitutional procedures as rapidly as possible and if possible before 1 June 1959 received by the Government of the United Kingdom of Great Britain and Northern Ireland on or before 1 January 1959 shall be regarded as equal in effect to an instrument of ratification, acceptance or accession.

(iii) Any notification given in accordance with sub-paragraph (ii) of this paragraph may indicate that the Government concerned will, from 1 January 1959, apply this Agreement provisionally. In the absence of such an indication, the notifying Government shall be regarded as a non-voting observer, provided, however, that such a Government may cease to be an observer if it indicates, before 1 June 1959, that it will apply this Agreement provisionally.

(iv) If any Government giving a notification in accordance with sub-paragraph (ii) of this paragraph fails to deposit an instrument of ratification, acceptance or accession by 1 June 1959, it shall thereupon cease to be entitled to the status of provisional participant or observer, as the case may be. If, however, the Council is satisfied that the Government concerned has not deposited its instrument owing to difficulties in completing its constitutional processes, the Council may extend the period beyond 1 June 1959 to such other date as it may determine.

(v) The obligations under this Agreement of Governments which have deposited instruments of ratification, acceptance or accession by 1 June 1959 or such later date as is determined by the Council in accordance with sub-paragraph (iv) of this paragraph shall apply as from 1 January 1959 for the first quota year, except to the extent that any Government is required by existing legislation to take action inconsistent with this Agreement by reason of it not being in force either fully or provisionally for that Government at that time.

(vi) If at the end of the period of five months mentioned in sub-paragraph (ii), or at the end of any extension of that period, the percentage of votes of importing countries or of exporting countries which have ratified, accepted or acceded to this Agreement is less than the percentage provided for in sub-paragraph (i), the Governments which have ratified, accepted or acceded to this Agreement may agree to put it into force among themselves.

(7) Where, for the purposes of the operation of this Agreement, reference is made to Governments or countries listed, named or included in particular Articles, any country the Government of which has acceded to this Agreement on conditions agreed with the Council in accordance with paragraph (4) of this Article shall be deemed to be listed, named or included in those Articles accordingly.

(8) The Government of the United Kingdom of Great Britain and Northern Ireland will notify all signatory Governments of each signature, ratification, acceptance of, or accession to this Agreement, and shall inform all signatory Governments of any reservation or condition attached thereto.

CHAPTER XVIII

Duration, Amendment, Suspension, Withdrawal, Reservations and Transitional Measures

Art. 42. (1) The duration of this Agreement shall be five years from 1 January 1959. The Agreement shall not be subject to denunciation.

(2) Without prejudice to Articles 43 and 44, the Council shall in the third year of this Agreement examine the entire working of the Agreement, especially in regard to quotas and prices, shall take into account any amendment to the Agreement which in connection with this examination any Participating Government may propose, and shall propose amendments or make such other arrangements as are necessary to provide for the amendments of this Agreement in respect of its operation during the fourth and fifth years.

(3) Not less than three months before the last day of the third quota year of this Agreement the Council shall submit a report on the matters referred to in paragraph (2) of this Article to Participating Governments.

(4) Any Participating Government may within a period of not more than two months after the receipt of the report referred to in paragraph (3) of this Article withdraw from this Agreement by giving notice of withdrawal to the Government of the United Kingdom of Great Britain and Northern Ireland. Such withdrawal shall take effect on the last day of the third quota year.

(5) (i) If, after the two months referred to in paragraph (4) of this Article, any Government which has not withdrawn from this Agreement under that paragraph considers that the number of Governments which have withdrawn under the said paragraph, or the importance of those Governments for the purposes of this Agreement, is such as to impair the operation of this Agreement, such Government may, within 30 days following the expiration of the said period, request the Chairman of the Council to call a special meeting of the Council at which the Governments party to this Agreement shall consider whether or not they will remain party to it.

(ii) Any special meeting called pursuant to a request made under sub-paragraph (i) shall be held within one month of the receipt by the Chairman of such request and Governments represented at such meeting may withdraw from the Agreement by giving notice of withdrawal to the Government of the United Kingdom of Great Britain and Northern Ireland within thirty days from the date on which the meeting was held. Any such notice of withdrawal shall become effective thirty days from the date of its receipt by that Government.

(iii) Governments not represented at a special meeting held pursuant

to sub-paragraphs (i) and (ii) may not withdraw from this Agreement under the provisions of those sub-paragraphs.

Art. 43. (1) If circumstances arise which, in the opinion of the Council, affect or threaten to affect adversely the operation of this Agreement, the Council may, by a Special Vote, recommend an amendment of this Agreement to the Participating Governments.

(2) The Council shall fix the time within which each Participating Government shall notify the Government of the United Kingdom of Great Britain and Northern Ireland whether or not it accepts an amendment recommended under paragraph (1) of this Article.

(3) If, within the time fixed under paragraph (2) of this Article, all Participating Governments accept an amendment it shall take effect immediately on the receipt by the Government of the United Kingdom of Great Britain and Northern Ireland of the last acceptance.

(4) If, within the time fixed under paragraph (2) of this Article, an amendment is not accepted by the Governments of exporting countries which hold 75 per cent of the votes of exporting countries and by the Governments of importing countries which hold 75 per cent of the votes of the importing countries it shall not take effect.

(5) If, by the end of the time fixed under paragraph (2) of this Article, an amendment is accepted by the Governments of exporting countries which hold 75 per cent of the votes of the exporting countries and by the Governments of importing countries which hold 75 per cent of the votes of the importing countries but not by the Governments of all the exporting countries and the Governments of all the importing countries:

(i) the amendment shall become effective for the Participating Governments which have signified their acceptance under paragraph (2) of this Article at the beginning of the quota year next following the end of the time fixed under that paragraph;

(ii) the Council shall determine forthwith whether the amendment is of such a nature that the Participating Governments which do not accept it shall be suspended from this Agreement from the date upon which it becomes effective under sub-paragraph (i) and shall inform all Participating Governments accordingly. If the Council determines that the amendment is of such a nature, Participating Governments which have not accepted the amendment shall inform the Council by the date on which the amendment is to become effective under sub-paragraph (i) whether it is still unacceptable and those Participating Governments which do so shall automatically be suspended from this Agreement; provided that if any such Participating Government satisfies the Council that it has been prevented from accepting the amendment by the time the amendment becomes effective under sub-paragraph (i) by reason of constitutional difficulties beyond its control, the Council may postpone suspension until such difficulties have been overcome and the Participating Government has notified its decision to the Council.

(6) The Council shall establish rules with respect to the reinstatement of a Participating Government suspended under paragraph (5) (ii) of this Article and any other rules required for carrying out the provisions of this Article.

Art. 44. (1) If any Participating Government considers its interests to be seriously prejudiced by the failure of any signatory Government

referred to in Articles 33 or 34 to ratify or accept or accede to this Agreement, or by reservations approved by the Council in accordance with Article 45 of this Agreement, it shall notify the Government of the United Kingdom of Great Britain and Northern Ireland. Immediately on the receipt of such notification, the Government of the United Kingdom of Great Britain and Northern Ireland shall inform the Council, which shall, either at its first meeting, or at any subsequent meeting held not later than one month after receipt of the notification, consider the matter. If after a period of two months following the notification to the Government of the United Kingdom, the Participating Government still considers its interests to be seriously prejudiced, it may withdraw from this Agreement by giving notice of withdrawal to the Government of the United Kingdom within thirty days thereafter.

(2) If any Participating Government demonstrates that, notwithstanding the provisions of this Agreement, its operation has resulted in an acute shortage of supplies or in prices on the free market not being stabilized within the range provided for in this Agreement, and the Council fails to take action to remedy such situation, the Government concerned may give notice of withdrawal from this Agreement.

(3) If, during the period of this Agreement, by action of a non-participating country, or by action of any participating country inconsistent with this Agreement such adverse changes occur in the relation between supply and demand of the free market as are held by any Participating Government seriously to prejudice its interests such Participating Government may state its case to the Council. If the Council declares the case to be well-founded, the Government concerned may give notice of withdrawal from this Agreement.

(4) If any Participating Government considers that its interests will be seriously prejudiced by reason of the effects of the basic export tonnage to be allotted to a non-participating exporting country not named in Article 14 seeking to accede to this Agreement pursuant to Article 41 (4), such Government may state its case to the Council which shall take a decision upon it. If the Government concerned considers that, notwithstanding the decision by the Council, its interests continue to be seriously prejudiced, it may give notice of withdrawal from this Agreement.

(5) The Council shall take a decision within thirty days on any matters submitted to it in accordance with paragraphs (2), (3) and (4) of this Article; and if the Council fails to do so within that time the Government which has submitted the matter to the Council may give notice of withdrawal from this Agreement.

(6) Any Participating Government may, if it becomes involved in hostilities, apply to the Council for the suspension of some or all of its obligations under this Agreement. If the application is denied, such Government may give notice of withdrawal from this Agreement.

(7) If any Participating Government avails itself of the provisions of Article 16 (2), so as to be released from its obligations under that Article, any other Participating Government may at any time during the ensuing three months give notice of withdrawal after explaining its reasons to the Council.

(8) In addition to the situations envisaged in the preceding paragraphs of this Agreement, when a Participating Government demonstrates that circumstances beyond its control prevent it from fulfilling its obligations under this Agreement it may give notice of withdrawal from this Agreement subject to a decision of the Council that such withdrawal is justified.

(9) If any Participating Government considers that a withdrawal from this Agreement notified in accordance with the provisions of this Article by any other Participating Government, in respect of either its metropolitan territory or all or any of the non-metropolitan territories for whose international relations it is responsible, is of such importance as to impair the operation of this Agreement, that Government may also give notice of withdrawal from this Agreement at any time during the ensuing three months.

(10) Notice of withdrawal under this Article shall be given to the Government of the United Kingdom of Great Britain and Northern Ireland and shall become effective thirty days from the date of its receipt by that Government.

Art. 45. (1) Any Government which was, on 31 December 1958, party to the International Sugar Agreement 1953, or to that Agreement as amended by the Protocol of 1956, with one or more reservations shall be entitled on signature, ratification, acceptance or accession to this Agreement to make an identical reservation or reservations.

(2) Any Government represented at the United Nations Sugar Conference 1958 may make one or more reservations in similar terms to those referred to in paragraph (1) of this Article and in the same manner. Any dispute arising under this paragraph shall be settled in accordance with the procedure contained in Article 40.

(3) Any other reservation to this Agreement whether made on signature, ratification, acceptance or accession, shall require the consent of the Council.

(4) Where any reservation or reservations are made in accordance with this Article which require the consent of the Council, the Council shall consider the matter as soon as may be practicable after the deposit of the instrument of ratification, acceptance or accession, as the case may be, of the Government concerned. The instrument shall be regarded as provisionally effective until such time as the Council has considered the matter and, if that Government is unable to obtain the consent of the Council to the reservation or to that reservation as modified, or is unwilling to withdraw the reservation, the instrument shall cease to have effect.

(5) The powers of the Council specified in this Article shall be exercised by Special Vote.

(6) Nothing in this Article shall prevent any Participating Government withdrawing, either in whole or in part, any reservation made by it.

Art. 46. (1) Where in accordance with the International Sugar Agreement 1953 as amended by the Protocol of 1956 the consequences of anything done, to be done or omitted to be done in a quota year would, for the purposes of the operation of that Agreement, have taken effect in a

subsequent quota year, those consequences shall have the same effect during the first quota year of this Agreement as if the provisions of the 1953 Agreement as amended by the Protocol of 1956 continued in effect for this purpose.

(2) Notwithstanding the provisions of paragraphs (1) and (2) of Article 18 and of paragraph (1) of this Article, the provisional initial export quotas for the quota year 1959 shall be assigned by the Council during the month of January 1959.

Art. 47. The Government of the United Kingdom of Great Britain and Northern Ireland shall promptly inform all signatory and acceding Governments of each notification and notice of withdrawal received under Articles 42, 43, 44 and 48.

CHAPTER XIX

Territorial Application

Art. 48. (1) Any Government may at the time of signature, ratification, acceptance of, or accession to this Agreement or at any time thereafter, declare by notification given to the Government of the United Kingdom of Great Britain and Northern Ireland that the Agreement shall extend to all or any of the non-metropolitan territories for whose international relations it is responsible and the Agreement shall from the date of the receipt of the notification extend to all the territories named therein.

(2) Within thirty days following a request by the Council, each Government shall furnish to the Council a list, expressed in geographical terms, of the territory or territories to which, at that time, this Agreement applies either by virtue of ratification, acceptance or accession in accordance with Article 41 or of notification made under paragraph (1) of this Article by that Government.

(3) Any Participating Government may by giving notice of withdrawal to the Government of the United Kingdom of Great Britain and Northern Ireland in accordance with the provisions for withdrawal in Articles 42, 43 and 44 withdraw from this Agreement separately in respect of all or any of the non-metropolitan territories for whose international relations it is responsible.

(4) In the case of withdrawal by a Participating Government in respect of all or any of the non-metropolitan territories for whose international relations it is responsible, and in case of changes in territorial application, metropolitan or non-metropolitan, of any participating country as reported to the Council by any Participating Government under paragraph (2) of this Article, the Council, at the request of any Participating Government, shall examine whether it is pertinent to make changes in the status, quotas, rights and obligations of the Government concerned, and if it is found that such is the case, shall decide by Special Vote the changes to be made therein. If the Participating Government concerned considers its interests to be prejudiced by the decision of the Council, it may withdraw from this Agreement by giving

notice of withdrawal to the Government of the United Kingdom of Great Britain and Northern Ireland within thirty days after the Council has reached its decision.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments, have signed this Agreement on the dates appearing opposite their signatures.

The text of this Agreement in the Chinese, English, French, Russian and Spanish languages are all equally authentic, the originals being deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified copies thereof to each signatory and acceding Government.

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INTERNATIONAL TELECOMMUNICATION UNION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The constitutional document of this Organization is the International Telecommunication Convention which was signed at Geneva on December 21, 1959, and entered into force, according to its article 52, on January 1, 1961, between the countries and territories whose ratifications had been deposited before that date.

The Union was established by a Convention of Madrid signed on December 9, 1932, which entered into force in January 1934, and replaced earlier radio-telegraph, and telegraph conventions and the then existing Bureau of the International Telegraph Union (first established in 1865 and charged, since the Radio Telegraph Conference of Berlin, 1906, with certain responsibilities in carrying out the provisions of radio conventions, and regulations).

The Convention of Madrid was revised at the Telecommunication Conference of Atlantic City, New Jersey, in 1947 when a new convention was drawn up which entered into force on January 1, 1949. The convention was revised at Buenos Aires in 1952.

The Convention may be denounced by any particular member, by notification to the Secretary General, such denunciation to take effect as to that member one year after the date of receipt of the notice.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes of the organization are as follows: to maintain and extend international co-operation for the improvement and rational use of telecommunication of all kinds, and to promote the development of

¹ Convention, Art. 22.

technical facilities and their most efficient operation with a view to improving the efficiency of telecommunication services. To this end the Union effects the allocation of the radio frequency spectrum and registration of radio frequency assignments in order to avoid harmful interference between radio stations of different countries; fosters collaboration among its members and associates with a view to the establishment of rates at levels as low as possible consistent with an efficient service; fosters the creation, development and improvement of equipment and networks in new or developing countries; promotes the adoption of measures for ensuring the safety of life through the co-operation of telecommunication service; and undertakes studies and collects and publishes information.¹

ORGANS

Its organs are:

(1) A Plenipotentiary Conference; ²

(2) Administrative Conferences; ³

(3) An Administrative Council, composed of twenty five members of the Union elected by the Plenipotentiary Conference, each member having one vote; ⁴

(4) A General Secretariat, with a Secretary-General elected by the Plenipotentiary Conference; ⁵

(5) An International Frequency Registration Board, composed of independent members elected by each ordinary administrative conference; ⁶

(6) An International Telegraph and Telephone Consultative Committee and an International Radio Consultative Committee, composed of administrations of members and associate members of the Union and recognized private operating agencies.⁷

MEMBERSHIP

The members are Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cambodia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, German Federal Republic, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Korea, Kuwait, Laos, Lebanon, Liberia, Libya, Luxembourg, Malaya, Mali, Mexico, Monaco, Morocco, Nepal, Netherlands, New Zealand,

¹ *Id.*, Art. 4.

² *Id.*, Art. 5, 6.

³ *Id.*, Art. 5, 7.

⁴ *Id.*, Art. 2, 5, 9.

⁵ *Id.*, Art. 5, 6, 10.

⁶ *Id.*, Art. 5, 7, 12.

⁷ *Id.*, Art. 13.

Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Rhodesia and Nyasaland, Roumania, Saudi Arabia, Senegal, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukrainian SSR, Union of South Africa, USSR, United Arab Republic, United Kingdom, United States, Uruguay, Vatican City, Venezuela, Vietnam, Yemen, Yugoslavia.¹

MEANS OF FINANCIAL SUPPORT

The expenses of the organization are paid by the member governments in accordance with a scale of fourteen categories ranging from one half to thirty units.²

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Organization is a specialized Agency of the United Nations. It co-operates with other organizations in related fields.³

HEADQUARTERS

The headquarters are at the Palais Wilson, Geneva.

¹ ITU members include Overseas States of the French Community and French Overseas Territories, Spanish Provinces in Africa, Portuguese Overseas Provinces, Territories of the U.S.A., Overseas Territories for the international relations of which the U.K. is responsible. There are five associate members; British East Africa, British West Africa, Singapore-British Borneo Group, Bermuda-British Caribbean Group Ruanda-Urundi.

² *Id.*, Art. 13.

³ *Id.*, Art. 29.

INTERNATIONAL TELECOMMUNICATION CONVENTION

January 1, 1961

Preamble

- 1 While fully recognizing the sovereign right of each country to regulate its telecommunication, the plenipotentiaries of the Contracting Governments, with the object of facilitating relations and co-operation between the peoples by means of efficient telecommunication services, have agreed to conclude the following Convention.
- 2 The countries and groups of territories which become parties to the present Convention constitute the International Telecommunication Union.

Chapter I – Composition, Functions and Structure of the Union

- 3 *Art. 1. Composition of the Union.* 1. The International Telecommunication Union shall comprise Members and Associate Members.
- 4 2. A Member of the Union shall be:
 - (a) any country or group of territories listed in Annex 1 upon signature and ratification of, or accession to, this Convention, by it or on its behalf;
 - 5 (b) any country, not listed in Annex 1, which becomes a Member of the United Nations and which accedes to this Convention in accordance with Article 18;
 - 6 (c) any sovereign country, not listed in Annex 1 and not a Member of the United Nations, which applies for Membership in the Union and which, after having secured approval of such application by two-thirds of the Members of the Union, accedes to this Convention in accordance with Article 18.
- 7 3. An Associate Member of the Union shall be:
 - (a) any country, territory or group of territories listed in Annex 2 upon signature and ratification of, or accession to, this Convention, by it or on its behalf;
 - 8 (b) any country which has not become a Member of the Union in accordance with 4 to 6 by acceding to this Convention in accordance with Article 18, after its application for Associate Membership has received approval by a majority of the Members of the Union;
 - 9 (c) any territory or group of territories, not fully responsible for the conduct of its international relations, on behalf of which a Member of the Union has signed and ratified or acceded to this Convention in accordance with Article 18 or 19, provided that its application for Associate Membership is sponsored by such a Member, after

(*Art. 1, contin – Composition*)

the application has received approval by a majority of the Members of the Union;

- 10 (d) any trust territory on behalf of which the United Nations has acceded to this Convention in accordance with Article 20, and the application of which for Associate Membership has been sponsored by the United Nations.

- 11 4. If any territory or group of territories, forming part of a group of territories constituting a Member of the Union, becomes or has become an Associate Member of the Union in accordance with 7 and 9, its rights and obligations under this Convention shall be those of an Associate Member only.

- 12 5. For the purposes of 6, 8 and 9, if an application for Membership or Associate Membership is made, by diplomatic channel and through the intermediary of the country of the seat of the Union, during the interval between two Plenipotentiary Conferences, the Secretary-General shall consult the Members of the Union; a Member shall be deemed to have abstained if it has not replied within four months after its opinion has been requested.

13 *Art. 2. Rights and Obligations of Members and Associate Members.*

1. (1) All Members shall be entitled to participate in conferences of the Union and shall be eligible for election to any of its organs.

- 14 (2) Each Member shall have one vote at all conferences of the Union, at meetings of the International Consultative Committees in which it participates and, if it is a Member of the Administrative Council, at all sessions of that Council.

- 15 (3) Each Member shall also have one vote in all consultations carried out by correspondence.

- 16 2. Associate Members shall have the same rights and obligations as Members of the Union, except that they shall not have the right to vote in any conference or other organ of the Union or to nominate candidates for membership of the International Frequency Registration Board. They shall not be eligible for election to the Administrative Council.

- 17 *Art. 3. Seat of the Union.* The seat of the Union shall be at Geneva.

18 *Art. 4. Purposes of the Union.* 1. The purposes of the Union are:

- (a) to maintain and extend international co-operation for the improvement and rational use of telecommunication of all kinds;

- 19 (b) to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunication services, increasing their usefulness and making them, so far as possible, generally available to the public;

- 20 (c) to harmonize the actions of nations in the attainment of those common ends.

- 21 2. To this end, the Union shall in particular:

- (a) effect allocation of the radio frequency spectrum and registration of radio frequency assignments in order to avoid harmful interference between radio stations of different countries;

(Art. 4, contin. – Purposes)

- 22 (b) co-ordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio frequency spectrum;
- 23 (c) foster collaboration among its Members and Associate Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunication on a sound basis;
- 24 (d) foster the creation, development and improvement of telecommunication equipment and networks in new or developing countries by every means at its disposal, especially its participation in the appropriate programs of the United Nations;
- 25 (e) promote the adoption of measures for ensuring the safety of life through the co-operation of telecommunication service;
- 26 (f) undertake studies, formulate recommendations and opinions, and collect and publish information concerning telecommunication matters for the benefit of all Members and Associate Members.

27 *Art. 5. Structure of the Union.* The organization of the Union shall be as follows:

- 1. the Plenipotentiary Conference, which is the supreme organ of the Union;
- 28 2. Administrative Conferences;
- 29 3. the Administrative Council;
- 30 4. the permanent organs of the Union, which are:
 - (a) the General Secretariat;
 - 31 (b) the International Frequency Registration Board (I.F.R.B.);
 - 32 (c) the International Radio Consultative Committee (C.C.I.R.);
 - 33 (d) the International Telegraph and Telephone Consultative Committee (C.C.I.T.T.).

34 *Art. 6. Plenipotentiary Conference.* 1. The Plenipotentiary Conference shall:

- (a) determine the general policies for fulfilling the purposes of the Union prescribed in Article 4 of this Convention.
- 35 (b) consider the report by the Administrative Council on its activities and those of the Union since the last Plenipotentiary Conference;
- 36 (c) establish the basis for the budget of the Union and determine a fiscal limit for the expenditure of the Union until the next Plenipotentiary Conference;
- 37 (d) fix the basic salaries, the salary scales and the system of allowances and pensions for all the officials of the Union;
- 38 (e) finally approve the accounts of the Union;
- 39 (f) elect the Members of the Union which are to serve on the Administrative Council;
- 40 (g) elect the Secretary-General and the Deputy Secretary-General and fix the dates of their taking office;
- 41 (h) revise the Convention if it considers this necessary;

(Art. 6, *contin.* – *Plenipotentiary Conference*)

- 42 (i) conclude or revise, if necessary, agreements between the Union
and other international organizations, examine any provisional
agreements with such organizations concluded, on behalf of the
Union, by the Administrative Council, and take such measures in
connection therewith as it deems appropriate;
- 43 (j) deal with such other telecommunication questions as may be
necessary.
- 44 2. The Plenipotentiary Conference shall normally meet at a date and
place decided on by the preceding Plenipotentiary Conference.
- 45 3. (1) The date and place of the next Plenipotentiary Conference,
or either one of these, may be changed:
- 46 (a) when at least twenty Members and Associate Members of the
Union have individually proposed a change to the Secretary-
General, or,
- 47 (b) on a proposal of the Administrative Council.
- 48 (2) In either case a new date or place or both shall be determined
with the concurrence of a majority of the Members of the Union.
- 49 Art. 7. *Administrative Conferences.* 1. Administrative conferences
of the Union shall comprise:
- (a) ordinary administrative conferences;
- 50 (b) extraordinary administrative conferences;
- 51 (c) special conferences, which include:
- special regional conferences;
- special service conferences, world or regional.
- 52 2. (1) Ordinary administrative conferences shall:
- (a) revise the Regulations provided for in 193 with which they are
respectively concerned;
- 53 (b) deal with all other matters deemed necessary within the terms
of the Convention and the General Regulations and any directives
given by the Plenipotentiary Conference.
- 54 (2) In addition, the ordinary administrative radio conference shall:
- (a) elect the members of the International Frequency Registration
Board;
- 55 (b) issue instructions to the Board concerning its activities and
review these activities.
- 56 3. (1) The date and place of an ordinary administrative conference
shall be determined:
- (a) by the preceding administrative conference, if it so desires; or
- 57 (b) when at least twenty Members and Associate Members of the
Union have addressed individual requests to the Secretary-General;
or
- 58 (c) on a proposal of the Administrative Council.
- 59 (2) When 57 or 58 applies, the place and date shall be determined
with the concurrence of a majority of the Members of the Union.
- 60 4. (1) Extraordinary administrative conferences shall be convened
to consider certain specific telecommunication matters. Only
items included in their agenda may be discussed by such conferences.

(Art. 7, contin. – Administrative Conferences)

- 61 (2) Extraordinary administrative conferences may revise certain provisions of any set of Administrative Regulations with which they are concerned, provided that the revision of such provisions is included in the Agenda approved by a majority of the Members in accordance with 65.
- 62 5. (1) An extraordinary administrative conference may be convened:
- 63 (a) by a decision of the Plenipotentiary Conference, which shall determine its agenda and the date and place of its meeting; or
- 64 (b) when at least twenty Members and Associate Members of the Union have individually informed the Secretary-General of their desire that such a conference shall be held to consider an agenda proposed by them; or
- 65 (c) on a proposal of the Administrative Council.
- 66 (2) In the cases specified in 63 and 64 the date and place of the conference, as well as its agenda, shall be determined with the concurrence of a majority of the Members of the Union.
- 67 6. Special Conferences shall be convened to consider only the matters included in their agenda. Their decisions must in all circumstances be in conformity with the terms of the Convention and Administrative Regulations.
- 68 7. (1) A special conference may be convened:
- 69 (a) by a decision of the Plenipotentiary Conference or an ordinary or extraordinary administrative conference which shall determine its agenda and the date and place at which it shall meet; or
- 70 (b) when at least twenty Members and Associate Members of the Union in the case of a special service world conference or one quarter of the Members and Associate Members of the region concerned in the case of a special regional conference or special service regional conference have individually made known to the Secretary-General their desire that such a conference should be held to consider an agenda proposed by them; or
- 71 (c) on a proposal of the Administrative Council.
- 72 (2) In the cases specified in 68 and 69, the date and place of the conference as well as its agenda shall be determined with the concurrence of a majority of the Members of the Union for special service world conferences, or of a majority of the Members in the region concerned for special regional conferences or for special service regional conferences.
- 73 8. (1) The date and place, or either, of an ordinary administrative Conference, of an extraordinary administrative conference, or of a special service world conference may be changed:
- (a) when at least twenty Members and Associate Members of the Union have individually proposed a change to the Secretary-General; or
- (b) on a proposal of the Administrative Council.
- (2) In either case a new date or place or both shall be determined with the concurrence of a majority of the Members of the Union.

(Art. 7, *contin.* – *Administrative Conferences*)

- 74 9. (1) The date and place, or either, of special regional conferences
or of special service regional conferences may be changed :
(a) on a proposal of at least one quarter of the Members and As-
75 sociate Members of the region concerned ; or
76 (b) on a proposal of the Administrative Council.
(2) In each case, a new date and place, or either, shall be determined
with the concurrence of the majority of the Members of the region
concerned.
- 77 *Art. 8. Rules of Procedure of Conferences.* For the organization of
their work and the conduct of their discussions, conferences shall
apply the Rules of Procedure in the General Regulations annexed to
the Convention. However, each conference may adopt such
additional provisions as it may consider indispensable.
- 78 *Art. 9. Administrative Council. A. Organization and working ar-
rangements.* 1. (1) The Administrative Council shall be composed
of twenty-five Members of the Union elected by the Plenipotentiary
Conference with due regard to the need for equitable representation
of all parts of the world. The Members of the Union elected to the
Council shall hold office until the date on which a new Council is
elected by the Plenipotentiary Conference. They shall be eligible
for re-election.
- 79 (2) If between two Plenipotentiary Conferences a seat becomes
vacant on the Administrative Council, it shall pass by right to the
Member of the Union from the same region as the Member whose
seat is vacated, which had obtained at the previous election the
largest number of votes among those not elected.
- 80 2. Each of the Members of the Administrative Council shall appoint
to serve on the Council a person qualified in the field of telecom-
munication services and so far as possible shall endeavor to avoid
replacing that representative during the term of office of the Council.
- 81 3. Each Member of the Council shall have one vote.
- 82 4. The Administrative Council shall adopt its own Rules of Pro-
cedure.
- 83 5. The Administrative Council shall elect its own Chairman and
Vice-Chairman at the beginning of each annual session. They shall
serve until the opening of the next annual session and shall be
eligible for re-election. The Vice-Chairman shall serve as Chairman
in the absence of the latter.
- 84 6. (1) The Council shall hold an annual session at the seat of the
Union.
- 85 (2) During this session it may decide to hold, exceptionally, an
additional session.
- 86 (3) Between ordinary sessions, it may be convened, as a general rule
at the seat of the Union, by its Chairman at the request of the
majority of its Members.
- 87 7. The Secretary-General and the Deputy Secretary-General, the
Chairman and the Vice-Chairman of the International Frequency

(Art. 9, *contin.* – *Administrative Council*)

Registration Board and the Directors of the International Consultative Committees may participate as of right in the deliberations of the Administrative Council, but without taking part in the voting. Nevertheless, the Council may hold meetings confined to its own members.

88 8. The Secretary-General of the Union shall act as Secretary of the Administrative Council.

89 9. (1) In the interval between Plenipotentiary Conferences, the Administrative Council shall act on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the latter.

90 (2) The Council shall act only in formal session.

91 10. The representative of each Member of the Administrative Council shall have the right to attend, as an observer, all meetings of the permanent organs of the Union mentioned in 31, 32 and 33.

92 11. Only the travelling and subsistence expenses incurred by the representative of each Member of the Administrative Council in this capacity at Council sessions shall be borne by the Union.

93 B. *Duties.* 12. (1) The Administrative Council shall be responsible for taking all steps to facilitate the implementation by the Members and Associate Members of the provisions of the Convention, of the Regulations, of the decisions of the Plenipotentiary Conference, and, where appropriate, of the decisions of other conferences and meetings of the Union.

94 (2) It shall ensure the efficient co-ordination of the work of the Union.

95 13. In particular the Administrative Council shall:

96 (a) perform any duties assigned to it by the Plenipotentiary Conference;

97 (b) in the interval between Plenipotentiary Conferences, be responsible for effecting the co-ordination with all international organizations referred to in Articles 28 and 29 of this Convention; and, to this end,

1. conclude, on behalf of the Union, provisional agreements with the international organizations referred to in Article 29 of the Convention, and with the United Nations in application of the Agreement contained in Annex 6 to the Convention; these provisional agreements shall be submitted to the next Plenipotentiary Conference in accordance with 42;

98 2. appoint, on behalf of the Union, one or more representatives to participate in the conferences of such organizations, and, when necessary, in co-ordinating committees established in conjunction with those organizations;

99 (c) decide on the numbers and grading of the staff of the General Secretariat and of the specialized secretariats of the permanent organs of the Union, taking into account the general directives given by the Plenipotentiary Conference;

100 (d) draw up such regulations as it may consider necessary for the

(Art. 9, *contin.* – *Administrative Council*)

administrative and financial activities of the Union; the administrative regulations to take account of current practice of the United Nations and of the specialized agencies applying the Common System of pay, allowances and pensions;

- 101 (e) supervise the administrative functions of the Union;
- 102 (f) review and approve the annual budget of the Union, ensuring the strictest possible economy;
- 103 (g) arrange for the annual audit of the accounts of the Union prepared by the Secretary-General and approve them for submission to the next Plenipotentiary Conference;

- 104 (h) adjust as necessary:

- 1. the basic salary scales for staff in the professional and director categories, excluding the salaries for posts filled by election, to accord with any changes in the basic salary scales adopted by the United Nations for the corresponding Common System categories;

- 105
 - 2. the basic salary scales for staff in the general service categories to accord with changes in the rates applied by the United Nations organization and the specialized agencies at the seat of the Union;

- 106
 - 3. the post adjustment for professional categories and above, including posts filled by election, in accordance with decisions of the United Nations, for application at the seat of the Union;

- 107
 - 4. the allowances for all staff of the Union, in accordance with any changes adopted in the United Nations Common System;

- 108
 - 5. the contributions payable by the Union and the staff to the United Nations Joint Staff Pension Fund, in accordance with the decisions of the United Nations Joint Staff Pension Board;

- 109 (i) arrange for the convening of Plenipotentiary and administrative conferences of the Union in accordance with Articles 6 and 7 of this Convention;

- 110 (j) offer to the Plenipotentiary Conference of the Union any recommendations deemed useful;

- 111 (k) co-ordinate the activities of the permanent organs of the Union, take such action as it deems appropriate on requests or recommendations made to it by such organs, and review their annual reports;

- 112 (l) provide, if it considers it desirable, for the filling *ad interim* of a vacancy for Deputy Secretary-General;

- 113 (m) provide for the filling *ad interim* of vacancies for Directors of the International Consultative Committees;

- 114 (n) perform the other functions prescribed for it in this Convention and, within the framework of the Convention and the Regulations, any functions deemed necessary for the proper administration of the Union;

- 115 (o) take the necessary steps, with the agreement of the majority of Members of the Union, provisionally to resolve questions which are not covered by the Convention and its Annexes and cannot await the next competent conference for settlement;

- 116 (p) submit a report on its activities and those of the Union for consideration by the Plenipotentiary Conference;

(Art. 9, *contin.* – *Administrative Council*)

117 (q) promote international co-operation for the provision of technical assistance to the new developing countries by every means at its disposal, especially through the participation of the Union in the appropriate programs of the United Nations; and, in accordance with the purposes of the Union, to promote by all possible means, the development of telecommunication.

118 *Art. 10. General Secretariat.* 1. (1) The General Secretariat shall be directed by a Secretary-General, assisted by one Deputy Secretary-General.

119 (2) The Secretary-General and the Deputy Secretary-General shall take up their duties on the dates determined at the time of their election. They shall normally remain in office until dates determined by the following Plenipotentiary Conference, and they shall be eligible for re-election.

120 (3) The Secretary-General shall be responsible to the Plenipotentiary Conference and, between meetings of the Plenipotentiary Conference, to the Administrative Council, for all duties entrusted to the General Secretariat and for all the administrative and financial services of the Union. The Deputy Secretary-General shall be responsible to the Secretary-General.

121 (4) If the post of Secretary-General falls vacant, the Deputy Secretary-General shall discharge the duties *ad interim*.

122 2. The Secretary-General shall:

(a) co-ordinate the activities of the permanent organs of the Union through a Co-ordination Committee presided over by him and composed of the Deputy Secretary-General and the Heads of the permanent organs; this co-ordination shall apply to administrative matters, technical assistance, external relations, public information and any other important matters laid down specifically by the Administrative Council;

123 (b) organize the work of the General Secretariat and appoint the staff of that Secretariat in accordance with the directives of the Plenipotentiary Conference and the rules established by the Administrative Council;

124 (c) undertake administrative arrangements for the specialized secretariats of the permanent organs of the Union and appoint the staff of those secretariats in agreement with the Head of each permanent organ; the appointments shall be made on the basis of the latter's choice, but the final decision for appointment or dismissal shall rest with the Secretary-General;

125 (d) report to the Administrative Council any decisions taken by the United Nations and the specialized agencies which affect Common System conditions of service, allowances and pensions;

126 (e) ensure that in the specialized secretariats all the financial and administrative regulations approved by the Administrative Council are applied;

127 (f) supervise, for administrative purposes only, the staff of those

(Art. 10, contin. – General Secretariat)

specialized secretariats who shall work directly under the orders of the Heads of the permanent organs of the Union;

- 128 (g) undertake secretarial work preparatory to, and following, conferences of the Union;
- 129 (h) provide, where appropriate in co-operation with the inviting government, the secretariat of every conference of the Union, and, when so requested or provided in the Regulations annexed to the Convention, the secretariat of meetings of the permanent organs of the Union or meetings placed under its auspices; he may also, when so requested, provide the secretariat of other telecommunication meetings on a contractual basis;
- 130 (i) keep up-to-date the official lists, compiled from data supplied for this purpose by the permanent organs of the Union or by Administrations, with the exception of the master registers and such other essential records as may be related to the duties of the International Frequency Registration Board;
- 131 (j) publish the recommendations and principal reports of the permanent organs of the Union;
- 132 (k) publish international and regional telecommunication agreements communicated to him by the parties thereto, and keep up-to-date records of these agreements;
- 133 (l) publish the technical standards of the International Frequency Registration Board, as well as such other data concerning the assignment and utilization of frequencies as are prepared by the Board in the discharge of its duties;
- 134 (m) prepare, publish and keep up-to-date with the assistance, where appropriate, of the other permanent organs of the Union:
- 135 1. a record of the composition and structure of the Union;
- 136 2. the general statistics and the official service documents of the Union as prescribed by the Regulations annexed to the Convention;
- 137 3. such other documents as conferences of the Administrative Council may direct;
- 138 (n) distribute the published documents;
- 139 (o) collect and publish, in suitable form, data, both national and international, regarding telecommunication throughout the world;
- 140 (p) assemble and publish, in co-operation with the permanent organs of the Union, both technical and administrative information that might be especially useful to new or developing countries in order to help them to improve their telecommunication networks. Their attention shall also be drawn to the possibilities offered by the international programs under the auspices of the United Nations;
- 141 (q) collect and publish such information as would be of assistance to Members and Associate Members regarding the development of technical methods with a view to achieving the most efficient operation of telecommunication services and especially the best possible use of radio frequencies so as to diminish interference;
- 142 (r) publish periodically, with the help of information put at his

(Art. 10, contin. – General Secretariat)

disposal or which he may collect, including that which he may obtain from other international organizations, a journal of general information and documentation concerning telecommunication;

143 (s) prepare and submit to the Administrative Council annual budget estimates which, after approval by the Council, shall be transmitted for information to all Members and Associate Members;

144 (t) prepare a financial operating report and accounts to be submitted annually to the Administrative Council and recapitulative accounts immediately preceding each Plenipotentiary Conference; these accounts, after audit and approval by the Administrative Council, shall be circulated to the Members and Associate Members and be submitted to the next Plenipotentiary Conference for examination and final approval;

145 (u) prepare an annual report on the activities of the Union which, after approval by the Administrative Council, shall be transmitted to all Members and Associate Members;

146 (v) perform all other secretarial functions of the Union.

147 3. The Deputy Secretary-General shall assist the Secretary-General in the performance of his duties and undertake such specific tasks as may be entrusted to him by the Secretary-General. He shall perform the duties of the Secretary-General in the absence of the latter.

148 4. The Secretary-General or the Deputy Secretary-General may participate in a consultative capacity, in Plenary Assemblies of International Consultative Committees and in all conferences of the Union; the Secretary-General or his representative may participate in a consultative capacity in all other meetings of the Union.

149 *Art. 11. The Officials and Staff of the Union.* 1. The Secretary-General, the Deputy Secretary-General and the Directors of the International Consultative Committees, shall all be nationals of different countries, Members of the Union.

150 2. (1) In the performance of their duties, the Secretary-General, the Deputy Secretary-General, the members of the International Frequency Registration Board and the Directors of the International Consultative Committees, as well as the staff of the Union, shall neither seek nor accept instructions from any government or from any other authority outside the Union. They shall refrain from acting in any way which is incompatible with their status as international officials.

151 (2) Each Member and Associate Member shall respect the exclusively international character of the duties of the officials mentioned in 150 and of the staff of the Union, and refrain from trying to influence them in the performance of their work.

152 3. The paramount consideration in the recruitment of staff and in the determination of the conditions of service shall be the necessity of securing for the Union the highest standards of efficiency, competence and integrity. Due regard must be paid to the im-

(*Art. 11, contin. – The Officials and Staff of the Union*)

portance of recruiting the staff on as wide a geographical basis as possible.

- 153 *Art. 12. International Frequency Registration Board.* 1. The essential duties of the International Frequency Registration Board shall be:

(a) to effect an orderly recording of frequency assignments made by the different countries so as to establish, in accordance with the procedure provided for in the Radio Regulations and in accordance with any decisions which may be taken by competent conferences of the Union, the date, purpose and technical characteristics of each of these assignments, with a view to ensuring formal international recognition thereof;

- 154 (b) to furnish advice to Members and Associate Members with a view to the operation of the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur;

- 155 (c) to perform any additional duties, concerned with the assignment and utilization of frequencies, prescribed by a competent conference of the Union, or by the Administrative Council with the consent of the majority of the Members of the Union in preparation for or in pursuance of the decisions of such a conference;

- 156 (d) to maintain such essential records as may be related to the performance of its duties.

- 157 2. (1) The International Frequency Registration Board shall consist of eleven independent members designated in accordance with 160 to 169.

- 158 (2) The members of the Board shall be thoroughly qualified by technical training in the field of radio and shall possess practical experience in the assignment and utilization of frequencies.

- 159 (3) Moreover, for the more effective understanding of the problems coming before the Board under 154, each member shall be familiar with geographic, economic and demographic conditions within a particular area of the world.

- 160 3. (1) At each of its meetings, the Ordinary Administrative Radio Conference shall elect the eleven members of the Board. These members shall be chosen from the candidates sponsored by countries, Members of the Union. Each Member of the Union may propose only one candidate who shall be a national of its country. Each candidate shall possess the qualifications described in 158 and 159.

- 161 (2) The election procedure shall be established by the Conference itself, in such a way as to ensure an equitable representation of the various parts of the world.

- 162 (3) At each election any serving member of the Board may be proposed again as a candidate by the country of which he is a national.

- 163 (4) The members of the Board shall take up their duties on the date

(*Art. 12, contin. – International Frequency Registration Board*)

determined by the Ordinary Administrative Radio Conference which elected them. They shall normally remain in office until the date determined by the following Conference for their successors to take up their duties.

164 (5) If in the interval between two Ordinary Administrative Radio Conferences, an elected member of the Board resigns or abandons his duties without good cause for a period exceeding three months, the country Member of the Union of which he is a national shall be asked by the Chairman of the Board to provide a replacement as soon as possible, who shall also be a national of that country.

165 (6) If the country Member of the Union, concerned does not provide a replacement within a period of three months from the date of this request, it shall lose its right to designate a person to serve on the Board for the unexpired period of its current term.

166 (7) If in the interval between two Ordinary Administrative Radio Conferences, the replacement also resigns or abandons his duties without good cause for a period exceeding three months, the country Member of the Union of which he is a national shall not be entitled to designate a further replacement.

167 (8) In the circumstances described in 165 and 166, the Chairman of the Board shall then request the country Member of the Union whose candidate had obtained, at the previous election, the largest number of votes among those not elected in the region concerned, to designate that person to serve on the Board for the unexpired period of its current term. If that person is not available, the country concerned shall be invited to designate a replacement who shall be a national of that country.

168 (9) If in the interval between two Ordinary Administrative Radio Conferences an elected member of the Board or his replacement dies, the country Member of the Union of which he was a national shall retain the right to designate a successor who shall also be a national of that country.

169 (10) In order to safeguard the efficient operation of the Board, any country a national of which has been elected to the Board, shall refrain, as far as possible, from recalling that person between two Ordinary Administrative Radio Conferences.

170 4. (1) The working arrangements of the Board are defined in the Radio Regulations.

171 (2) The members of the Board shall elect from their own numbers a Chairman and a Vice-Chairman, for a period of one year. Thereafter, the Vice-Chairman shall succeed the Chairman each year and a new Vice-Chairman shall be elected.

172 (3) The Board shall be assisted by a specialized secretariat.

173 5. (1) The members of the Board shall serve, not as representatives of their respective countries, or of a region, but as custodians of an international public trust.

174 (2) No member of the Board shall request or receive instructions

(Art. 12, *contin.* – International Frequency Registration Board)

relating to the exercise of his duties from any government or a member thereof, or from any public or private organization or person. Furthermore, each Member and Associate Member must respect the international character of the Board and of the duties of its members and shall refrain from any attempt to influence any of them in the exercise of their duties.

- 175 (3) No member of the Board or of its staff shall participate in any manner or have any financial interest whatsoever in any branch of telecommunication, apart from the work of the Board. However, the term “financial interest” is not to be construed as applying to the continuation of retirement benefits accruing in respect of previous employment or service.

176 *Art. 13. International Consultative Committees.* 1. (1) The duties of the International Radio Consultative Committee (C.C.I.R.) shall be to study technical and operating questions relating specifically to radiocommunication and to issue recommendations on them.

177 (2) The duties of the International Telegraph and Telephone Consultative Committee (C.C.I.T.T.) shall be to study technical, operating and tariff questions relating to telegraphy and telephony and to issue recommendations on them.

178 (3) In the performance of its duties, each Consultative Committee shall pay due attention to the study of questions and to the formulation of recommendations directly connected with the establishment, development and improvement of telecommunication in new or developing countries in both the regional and international fields.

179 (4) At the request of the countries concerned, each Consultative Committee may also study and offer advice concerning their national telecommunication problems.

180 2. (1) The questions studied by each International Consultative Committee, on which it shall issue recommendations, shall be those submitted to it by the Plenipotentiary Conference, by an administrative conference, by the Administrative Council, by the other Consultative Committee, or by the International Frequency Registration Board, in addition to those decided upon by the Plenary Assembly of the Consultative Committee itself, or, in the interval between its Plenary Assemblies, when requested or approved by correspondence, by at least twelve Members and Associate Members of the Union.

181 (2) The Plenary Assemblies of the International Consultative Committees are authorized to submit to administrative conferences proposals arising directly from their recommendations or from findings on questions under their study.

182 3. The International Consultative Committee shall have as members:

(a) of right, the administrations of all Members and Associate Members of the Union;

183 (b) any recognized private operating agency which, with the ap-

(Art. 13, *contin.* – *International Consultative Committees*)

proval of the Member or Associate Member which has recognized it, expresses a desire to participate in the work of these Committees.

184 4. Each Consultative Committee shall work through the medium of:
 (a) the Plenary Assembly, meeting normally every three years. When a corresponding ordinary administrative conference has been convened, the Plenary Assembly should meet, if possible, at least eight months before this conference;

185 (b) study groups, which shall be set up by the Plenary Assembly to deal with questions to be examined;

186 (c) a Director elected by the Plenary Assembly. His status shall be that of a permanent official, but his conditions of service may be subject to separate regulation;

187 (d) a specialized secretariat, which assists the Director;

188 (e) laboratories or technical installations set up by the Union.

189 5. (1) Consultative Committees shall, as far as they apply, observe the Rules of Procedure of Conferences contained in the General Regulations annexed to this Convention.

190 (2) The Plenary Assembly of a Consultative Committee may adopt additional provisions to facilitate the work of the Committee if they do not conflict with the Rules of Procedure of Conferences.

191 6. The working arrangements of the Consultative Committees are defined in Part II of the General Regulations annexed to this Convention.

192 *Art. 14. Regulations.* 1. Subject to the provisions of Article 8, the General Regulations contained in Annex 5¹ to this Convention shall have the same force and duration as the Convention.

193 2. (1) The provisions of the Convention are completed by the following sets of Administrative Regulations which shall be binding on all Members and Associate Members:

Telegraph Regulations,

Telephone Regulations,

Radio Regulations,

Additional Radio Regulations.

194 (2) Members and Associate Members shall inform the Secretary-General of their approval of any revision of these Regulations by administrative conferences. The Secretary-General shall inform Members and Associate Members promptly regarding receipt of such notifications of approval.

195 3. In case of inconsistency between a provision of the Convention and a provision of the Regulations, the Convention shall prevail.

196 *Art. 15. Finances of the Union.* 1. The expenses of the Union shall comprise the costs of:

(a) the Administrative Council, the General Secretariat, the International Frequency Registration Board, the secretariats of the International Consultative Committees, and the Union's laboratories and technical equipment;

¹ Not reproduced.

(Art. 15, contin. – Finances)

- 197 (b) conferences, which, with regard to the provisions of Articles 6
and 7 of the Convention, are convened by the decision or with the
agreement of the majority of the Members of the Union;
- 198 (c) all meetings of the International Consultative Committees.
- 199 2. Expenses incurred by special conferences referred to in 51 which
are not covered in 197, and which are of a regional nature as deter-
mined by the Administrative Council after ascertaining the majority
view of the Members and Associate Members of the region in
question, shall be borne in accordance with their unit classification
by all the Members and Associate Members of that region, and by
any Members and Associate Members of other regions which may
have participated in such conferences.
- 200 3. Expenses incurred by other special conferences not covered by
197 and 199 above, shall be borne in accordance with their unit
classification by those Members and Associate Members which agree
to participate, or have participated in such conferences.
- 201 4. The Administrative Council shall review and approve the annual
budget of the Union, taking account of the limits for expenditure set
by the Plenipotentiary Conference.
- 202 5. The expenses of the Union shall be met from the contributions of
the Members and Associate Members, each Member and Associate
Member paying a sum proportional to the number of units in the
class of contribution it has chosen from the following scale:

30 Unit class	8 Unit class
25 " "	5 " "
20 " "	4 " "
18 " "	3 " "
15 " "	2 " "
13 " "	1 " "
10 " "	$\frac{1}{2}$ " "

- 203 6. Members and Associate Members shall be free to choose their
class of contribution for defraying Union expenses.
- 204 7. (1) At least six months before the Convention comes into force,
each Member and Associate Member shall inform the Secretary-
General of the class of contribution it has chosen.
- 205 (2) **This** decision shall be notified to Members and Associate
Members by the Secretary-General.
- 206 (3) Members and Associate Members who have failed to make
known their decision before the date specified by 204 will be required
to contribute in accordance with their class of contribution under
the provisions of the International Telecommunication Convention
(Buenos Aires, 1952).
- 207 (4) Members and Associate Members may at any time choose a class
of contribution higher than the one already adopted by them.
- 208 (5) No reduction in a unit classification established in accordance
with 204 and 206 can take effect during the life of the Convention.

(Art. 15, contin. – Finances)

209 8. Members and Associate Members shall pay in advance their annual contributory shares, calculated on the basis of the budget approved by the Administrative Council.

9. The amounts due shall bear interest from the beginning of each financial year of the Union at 3% (three per cent) per annum during the first six months, and at 6% (six per cent) per annum from the beginning of the seventh month.

211 10. (1) Recognized private operating agencies and scientific or industrial organizations shall share in defraying the expenses of the conferences or meetings in which they have agreed to participate, or have participated.

212 (2) International organizations shall also share in defraying the expense of the conferences or meetings in which they have been allowed to participate, unless exempted by the Administrative Council on condition or reciprocity.

213 (3) The amounts of these contributions shall be fixed by the Administrative Council and shall be considered as income of the Union. They shall bear interest in accordance with rules established by the Administrative Council.

214 11. Expenses incurred by laboratories and technical installations of the Union, in measurements, testing, or special research for individual Members or Associate Members, groups of Members or Associate Members, or regional organizations or others, shall be borne by those Members or Associate Members, groups, organizations or others.

215 12. The sale price of documents sold to administrations, recognized private operating agencies, or individuals, shall be determined by the Secretary-General, in collaboration with the Administrative Council, bearing in mind that the cost of printing and distribution should in general be covered by the sale of the documents.

216 *Art. 16. Languages.* 1. (1) The official languages of the Union shall be Chinese, English, French, Russian and Spanish.

217 (2) The working languages of the Union shall be English, French and Spanish.

218 (3) In case of dispute, the French text shall be authentic.

219 2. (1) The final documents of the plenipotentiary and administrative conferences, their final acts, protocols, resolutions, recommendations and opinions, shall be drawn up in the official languages of the Union, in versions equivalent in form and content.

220 (2) All other documents of these conferences shall be issued in the working languages of the Union.

221 3. (1) The official service documents of the Union as prescribed by the Administrative Regulations shall be published in the five official languages.

222 (2) All other documents for general distribution prepared by the Secretary-General in the course of his duties shall drawn up in the three working languages.

223 4. Any of the documents referred to in 219 to 222 may be published

(Art. 16, *contin.* – *Languages*)

in languages other than those there specified, provided that the Members or Associate Members requesting such publication undertake to defray the whole of the cost of translation and publication involved.

224 5. (1) At conferences of the Union and whenever it is necessary at meetings of its permanent organs and of the Administrative Council, the debates shall be conducted with the aid of an efficient system of reciprocal interpretation between the three working languages and Russian.

225 (2) When all participants in a meeting agree, the debates may be conducted in fewer than the four languages mentioned above.

226 6. (1) At conferences of the Union and at meetings of its permanent organs and of the Administrative Council, languages other than those mentioned in 217 and 224 may be used:

227 (a) if an application is made to the Secretary-General or to the Head of the permanent organ concerned to provide for the use of an additional language or languages, oral or written, provided that the additional cost so incurred shall be borne by those Members and Associate Members which have made or supported the application;

228 (b) if any delegation itself makes arrangements at its own expense for oral translation from its own language into any one of the languages referred to in 224.

229 (2) In the case provided for in 227, the Secretary-General or the Head of the permanent organ concerned shall comply to the extent practicable with the application, having first obtained from the Members or Associate Members concerned an undertaking that the cost incurred will be duly repaid by them to the Union;

230 (3) In the case provided for in 228, the delegation concerned may, furthermore, if it wishes, arrange at its own expense for oral interpretation into its own language from one of the languages referred to in 224.

Chapter II – Application of the Convention and Regulations

231 *Art. 17. Ratification of the Convention.* 1. This Convention shall be ratified by each of the signatory governments. The instruments of ratification shall be deposited, in as short a time as possible, with the Secretary-General by diplomatic channel through the intermediary of the government of the country of the seat of the Union. The Secretary-General shall notify the Members and Associate Members of each deposit of ratification.

232 2. (1) During a period of two years from the date of entry into force of this Convention, a signatory government, even though it may not have deposited an instrument of ratification in accordance with the provisions of 231, shall enjoy the rights conferred on Members of the Union in 13 to 15.

233 (2) After the end of a period of two years from the date of entry into force of this Convention, a signatory government which has not

(Art. 17, contin. – Ratification of the Convention)

deposited an instrument of ratification in accordance with the provisions of 231 shall not be entitled to vote at any conference of the Union, or at any session of the Administrative Council or at any meeting of any of the permanent organs of the Union until it has so deposited such an instrument.

234 3. After the entry into force of this Convention in accordance with Article 52, each instrument of ratification shall become effective on the date of its deposit with the General Secretariat.

235 4. If one or more of the signatory governments do not ratify the Convention, it shall not thereby be less valid for the governments which have ratified it.

236 *Art. 18. Accession to the Convention.* 1. The government of a country, not a signatory of this Convention, may accede thereto at any time subject to the provisions of Article 1.

237 2. The instrument of accession shall be deposited with the Secretary-General by diplomatic channel through the intermediary of the government of the country of the seat of the Union. Unless otherwise specified therein, it shall become effective upon the date of its deposit. The Secretary-General shall notify the Members and Associate Members of each accession when it is received and shall forward to each of them a certified copy of the act of accession.

238 *Art. 19. Application of the Convention to Countries or Territories for whose Foreign Relations Members of the Union are responsible.* 1. Members of the Union may declare at any time that their acceptance of this Convention applies to all or a group or a single one of the countries or territories for whose foreign relations they are responsible.

239 2. A declaration made in accordance with 238 shall be communicated to the Secretary-General of the Union. The Secretary-General shall notify the Members and Associate Members of each such declaration.

240 3. The provisions of 238 and 239 shall not be deemed to be obligatory in respect of any country, territory or group of territories listed in Annex 1 of this Convention.

241 *Art. 20. Application of the Convention to Trust Territories of the Nations.* The United Nations shall have the right to accede to this Convention on behalf of any territory or group of territories placed under its administration in accordance with a trusteeship agreement as provided for in Article 75 of the Charter of the United Nations.

242 *Art. 21. Execution of the Convention and Regulations.* 1. The Members and Associate Members are bound to abide by the provisions of this Convention and the Regulations annexed thereto in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article 50 of this Convention.

(*Art. 21, contin. – Execution of the Convention and Regulations*)

- 243 2. They are also bound, in addition, to take the necessary steps to impose the observance of the provisions of this Convention and of the Regulations annexed thereto upon private operating agencies authorized by them to establish and operate telecommunication and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries.
- 244 *Art. 22. Denunciation of the Convention.* 1. Each Member and Associate Member which has ratified, or acceded to, this Convention shall have the right to denounce it by a notification addressed to the Secretary-General of the Union by diplomatic channel through the intermediary of the government of the country of the seat of the Union. The Secretary-General shall advise the other Members and Associate Members thereof.
- 245 2. This denunciation shall take effect at the expiration of a period of one year from the day of the receipt of notification of it by the Secretary-General.
- 246 *Art. 23. Denunciation of the Convention on behalf of Countries or Territories for whose Foreign Relations Members of the Union are responsible.* 1. The application of this Convention to a country, territory or group of territories in accordance with Article 19 may be terminated at any time, and such country, territory or group of territories, if it is an Associate Member, ceases upon termination to be such.
- 247 2. The declaration of denunciation contemplated in the above paragraph shall be notified in conformity with the conditions set out in 244; it shall take effect in accordance with the provisions of 245.
- 248 *Art. 24. Abrogation of the earlier Convention.* This Convention shall abrogate and replace, in relations between the Contracting Governments, the International Telecommunication Convention of Buenos Aires, 1952.
- 249 *Art. 25. Validity of Administrative Regulations in force.* The Administrative Regulations referred to in 193, shall be regarded as annexed to this Convention and shall remain valid until the time of entry into force of new Regulations drawn up by the competent ordinary, and where the case arises, extraordinary administrative conferences.
- 250 *Art. 26. Relations with Non-contracting States.* 1. Each Member and Associate Member reserves to itself and to the recognized private operating agencies the right to fix the conditions under which it admits telecommunications exchanged with a State which is not a party to this Convention.
- 251 2. If a telecommunication originating in the territory of such a non-contracting State is accepted by a Member or Associate Member, it must be transmitted and, in so far as it follows the telecommunication channels of a Member or Associate Member, the obligatory provisions of the Convention and Regulations and the usual charges shall apply to it.

- 252 *Art. 27. Settlement of Differences.* 1. Members and Associate Members may settle their differences on questions relating to the application of this Convention or of the Regulations contemplated in Article 14, through diplomatic channels, or according to procedures established by bilateral or multilateral treaties concluded between them for the settlement of international disputes, or by any other method mutually agreed upon.
- 253 2. If none of these methods of settlement is adopted, any Member or Associate Member party to a dispute may submit the dispute to arbitration in accordance with the procedure defined in Annex 4.

Chapter III – Relations with the United Nations and with International Organizations

- 254 *Art. 28. Relations with the United Nations.* 1. The relationship between the United Nations and the International Telecommunication Union is defined in the Agreement, the text of which appears in Annex 6 of this Convention.
- 255 2. In accordance with the provision of Article 16 of the above-mentioned Agreement, the telecommunication operating services of the United Nations shall be entitled to the rights and bound by the obligations of this Convention and of the Administrative Regulations annexed thereto. Accordingly, they shall be entitled to attend all conferences of the Union, including meetings of the International Consultative Committees, in a consultative capacity.
- 256 *Art. 29. Relations with International Organizations.* In furtherance of complete international co-ordination on matters affecting telecommunication, the Union will co-operate with international organizations having related interests and activities.

Chapter IV – General Provisions relating to Telecommunications

- 257 *Art. 30. The Right of the Public to use the International Telecommunication Service.* Members and Associate Members recognize the right of the public to correspond by means of the international service of public correspondence. The services, the charges, and the safeguards shall be the same for all users in each category of correspondence without any priority or preference.
- 258 *Art. 31. Stoppage of Telecommunications.* 1. Members and Associate Members reserve the right to stop the transmission of any private telegram which may appear dangerous to the security of the State or contrary to their laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such telegram or any part thereof, except when such notification may appear dangerous to the security of the State.
- 259 2. Members and Associate Members also reserve the right to cut off any private telephone or telegraph communication which may appear dangerous to the security of the State or contrary to their laws, to public order or to decency.

- 260 *Art. 32. Suspension of Services.* Each Member and Associate Member reserves the right to suspend the international telecommunication service for an indefinite time, either generally or only for certain relations and/or for certain kinds of correspondence, outgoing, incoming or in transit, provided that it immediately notifies such action to each of the other Members and Associate Members through the medium of the General Secretariat.
- 261 *Art. 33. Responsibility.* Members and Associate Members accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages.
- 262 *Art. 34. Secrecy of Telecommunications.* 1. Members and Associate Members agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.
- 263 2. Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their internal laws or the execution of international conventions to which they are parties.
- 264 *Art. 35. Establishment, Operation, and Protection of Telecommunication Installations and Channels.* 1. Members and Associate Members shall take such steps as may be necessary to ensure the establishment, under the best technical conditions, of the channels and installations necessary to carry on the rapid and uninterrupted exchange of international telecommunications.
- 265 2. So far as possible, these channels and installations must be operated by the best methods and procedures developed as a result of practical operating experience, maintained in proper operating condition and kept abreast of scientific and technical progress.
- 266 3. Members and Associate Members shall safeguard these channels and installations within their jurisdiction.
- 267 4. Unless other conditions are laid down by special arrangements, each Member and Associate Member shall take such steps as may be necessary to ensure maintenance of those sections of international telecommunication circuits within its control.
- 268 *Art. 36. Notification of Infringements.* In order to facilitate the application of the provisions of Article 21 of this Convention, Members and Associate Members undertake to inform one another of infringements of the provisions of this Convention and of the Regulations annexed thereto.
- 269 *Art. 37. Charges and Free Services.* The provisions regarding charges for telecommunications and the various cases in which free services are accorded are set forth in the Regulations annexed to this Convention.
- 270 *Art. 38. Priority of Telecommunications concerning Safety of Life.* The international telecommunication services must accord absolute priority to telecommunications concerning safety of life at sea, on land, or in the air, and to epidemiological telecommunications of exceptional urgency of the World Health Organization.

- 271 *Art. 39. Priority of Government Telegrams and Telephone Calls.* Subject to the provisions of Articles 38 and 48 of this Convention, government telegrams shall enjoy priority over other telegrams when priority is requested for them by the sender. Government telephone calls may also be accorded priority, upon specific request and to the extent practicable, over other telephone calls.
- 272 *Art. 40. Secret Language.* 1. Government telegrams and service telegrams may be expressed in secret language in all relations.
- 273 2. Private telegrams in secret language may be admitted between all countries with the exception of those which have previously notified, through the medium of the General Secretariat, that they do not admit this language for those categories of correspondence.
- 274 3. Members and Associate Members which do not admit private telegrams in secret language originating in or destined for their own territory must let them pass in transit, except in the case of suspension of service provided for in Article 32 of this Convention.
- 275 *Art. 41. Rendering and Settlement of Accounts.* 1. Administrations of Members and Associate Members and recognized private operating agencies which operate international telecommunication services, shall come to an agreement with regard to the amount of their credits and debits.
- 276 2. The statements of accounts in respect to debits and credits referred to in 275 shall be drawn up in accordance with the provisions of the Regulations annexed to this Convention, unless special arrangements have been concluded between the parties concerned.
- 277 3. The settlement of international accounts shall be regarded as current transactions and shall be effected in accordance with the current international obligations of the countries concerned, in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special agreements made under Article 43 of this Convention, these settlements shall be effected in accordance with the Regulations.
- 278 *Art. 42. Monetary Unit.* The monetary unit used in the composition of the tariffs of the international telecommunication services and in the establishment of the international accounts shall be the gold franc of 100 centimes, of a weight of 10/31 of a gramme and of a fineness of 0.900.
- 279 *Art. 43. Special Agreements.* Members and Associate Members reserve for themselves, for the private operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special agreements on telecommunication matters which do not concern Members and Associate Members in general. Such agreements, however, shall not be in conflict with the terms of this Convention or of the Regulations annexed thereto, so far as concerns the harmful interference which their operation might be likely to cause to the radio services of other countries.

- 280 *Art. 44. Regional Conferences, Agreements and Organizations.* Members and Associate Members reserve the right to convene regional conferences, to conclude regional agreements and to form regional organizations, for the purpose of settling telecommunication questions which are susceptible of being treated on a regional basis. However, such agreements must not be in conflict with this Convention.

Chapter V – Special Provisions for Radio

- 281 *Art. 45. Rational use of Frequencies and Spectrum Space.* Members and Associate Members recognize that it is desirable to limit the number of frequencies and the spectrum space used to the minimum essential to provide in a satisfactory manner the necessary services.
- 282 *Art. 46. Intercommunication.* 1. Stations performing radiocommunication in the mobile service shall be bound, within the limits of their normal employment, to exchange radiocommunications reciprocally without distinction as to the radio system adopted by them.
- 283 2. Nevertheless, in order not to impede scientific progress, the provisions of 282 shall not prevent the use of a radio system incapable of communicating with other systems, provided that such incapacity is due to the specific nature of such system and is not the result of devices adopted solely with the object of preventing intercommunication.
- 284 3. Notwithstanding the provisions of 282, a station may be assigned to a restricted international service of telecommunication, determined by the purpose of such service, or by other circumstances independent of the system used.
- 285 *Art. 47. Harmful Interference.* 1. All stations, whatever their purpose, must be established and operated in such a manner as not to result in harmful interference to the radio services or communications of other Members or Associate Members or of recognized private operating agencies, or of other duly authorized operating agencies which carry on radio service, and which operate in accordance with the provisions of the Radio Regulations.
- 286 2. Each Member or Associate Member undertakes to require the private operating agencies which it recognizes and the other operating agencies duly authorized for this purpose, to observe the provisions of 285.
- 287 3. Further, the Members and Associate Members recognize the desirability of taking all practicable steps to prevent the operation of electrical apparatus and installations of all kinds from causing harmful interference to the radio services or communications mentioned in 285.
- 288 *Art. 48. Distress Calls and Messages.* Radio station shall be obliged to accept, with absolute priority, distress calls and messages regardless of their origin, to reply in the same manner to such messages, and immediately to take such action in regard thereto as may be required.

- 289 *Art. 49. False or Deceptive Distress, Safety or Identification Signals.* Members and Associate Members agree to take the steps required to prevent the transmission or circulation of false or deceptive distress, safety or identification signals, and to collaborate in locating and identifying stations transmitting such signals from their own country.
- 290 *Art. 50. Installations for National Defence Services.* 1. Members and Associate Members retain their entire freedom with regard to military radio installations of their army, naval and air forces.
- 291 2. Nevertheless, these installations must, so far as possible, observe statutory provisions relative to giving assistance in case of distress and to the measures to be taken to prevent harmful interference, and the provisions of the Regulations concerning the types of emission and the frequencies to be used, according to the nature of the service performed by such installations.
- 292 3. Moreover, when these installations take part in the service of public correspondence or other services governed by the Regulations annexed to this Convention, they must, in general, comply with the regulatory provisions for the conduct of such services.

Chapter VI – Definitions

- 293 *Art. 51. Definitions.* In this Convention, unless the context otherwise requires,
- (a) the terms which are defined in Annex 3 of this Convention shall have the meanings therein assigned to them;
- 294 (b) other terms which are defined in the Regulations referred to in Article 14 shall have the meanings therein assigned to them.

Chapter VII – Final Provisions

- 295 *Art. 52. Effective Date of the Convention.* The present Convention shall enter into force on January first nineteen hundred and sixty-one between countries, territories or groups of territories, in respect of which instruments of ratification or accession have been deposited before that date.
- In witness whereof the respective plenipotentiaries have signed the Convention in each of the Chinese, English, French, Russian and Spanish languages, in a single copy, in which in case of dispute, the French text shall be authentic, and which shall remain deposited in the archives of the International Telecommunication Union, which shall forward a copy to each of the signatory countries.
- Done at Geneva, 21 December, 1959.

ANNEX 1

(see number 4)

Afghanistan	Indonesia (Republic of)
Albania (People's Republic of)	Iran
Saudi Arabia (Kingdom of)	Iraq (Republic of)
Argentine Republic	Ireland
Australia (Commonwealth of)	Iceland
Austria	Israel (State of)
Belgium	Italy
Byelorussian Soviet Socialist Republic	Japan
Burma (Union of)	Jordan (Hashemite Kingdom of)
Bolivia	Kuwait
Brazil	Laos (Kingdom of)
Bulgaria (People's Republic of)	Lebanon
Cambodia (Kingdom of)	Liberia
Canada	Libya (United Kingdom of)
Ceylon	Luxembourg
Chile	Malaya (Federation of)
China	Morocco (Kingdom of)
Vatican City State	Mexico
Colombia (Republic of)	Monaco
Belgian Congo and Territory of Ruanda-Urundi	Nepal
Korea (Republic of)	Nicaragua
Costa Rica	Norway
Cuba	New Zealand
Denmark	Pakistan
Dominican Republic	Panama
El Salvador (Republic of)	Paraguay
Ecuador	Netherlands (Kingdom of the)
Spain	Peru
Overseas States of the French Community and French Overseas Territories	Philippines (Republic of the)
United States of America	Poland (People's Republic of)
Ethiopia	Portugal
Finland	Spanish Provinces in Africa
France	Portuguese Oversea Provinces
Ghana	United Arab Republic
Greece	Federal Republic of Germany
Guatemala	Federal People's Republic of Yugoslavia
Guinea (Republic of)	Ukrainian Soviet Socialist Republic
Haiti (Republic of)	Rhodesia and Nyasaland (Federation of)
Honduras (Republic of)	Roumanian People's Republic
Hungarian People's Republic	United Kingdom of Great Britain and Northern Ireland
India (Republic of)	Sudan (Republic of the)
	Sweden

(Annex 1, *contin.*)

Switzerland (Confederation)	Tunisia
Czechoslovakia	Turkey
Territories of the United States of America	Union of South Africa and Territory of South-West Africa
Overseas Territories for the international relations of which the Government of the United Kingdom of Great Britain and Northern Ireland are responsible	Union of Soviet Socialist Republics
Thailand	Uruguay (Oriental Republic of)
	Venezuela (Republic of)
	Vietnam (Republic of)
	Yemen

ANNEX 2

(see number 7)

British West Africa	Singapore-British Borneo Group
British East Africa	Trust Territory of Somaliland
Bermuda-British Caribbean Group	under Italian Administration

ANNEX 3

(see Article 51)

Definition of Terms used in the International Telecommunication Convention and its Annexes

- 300 *Administration*: Any governmental department or service responsible for implementing the obligations undertaken in the International Telecommunication Convention and the Regulations annexed thereto.
- 301 *Private operating agency*: Any individual or company or corporation, other than a governmental establishment or agency, which operates a telecommunication installation intended for an international telecommunication service or which is capable of causing harmful interference with such a service.
- 302 *Recognized private operating agency*: Any private operating agency, as defined above, which operates a service of public correspondence or of broadcasting and upon which the obligations provided for in Article 21 are imposed by the Member or Associate Member in whose territory the head office of the agency is situated, or by the Member or Associate Member which has authorized this operating agency to establish and operate a telecommunication service on its territory.

(Annex 3, *contin.*)

- 303 *Delegate*: A person sent by the government of a Member or Associate Member of the Union to a Plenipotentiary Conference, or a person representing a government or an administration of a Member or Associate Member of the Union at an administrative conference, or at a meeting of an International Consultative Committee.
- 304 *Representative*: A person sent by a recognized private operating agency to an administrative conference, or to a meeting of an International Consultative Committee.
- 305 *Expert*: A person sent by a national scientific or industrial organization which is authorized by the government or the administration of its country to attend meetings of study groups of an International Consultative Committee.
- 306 *Observer*: A person sent by:
- the United Nations in accordance with Article 28 of the Convention;
 - one of the international organizations invited or admitted in accordance with the provisions of the General Regulations to participate in the work of a conference;
 - the government of a Member or Associate Member of the Union participating in a non-voting capacity in a special conference of a regional character held under the terms of Article 7 of the Convention.
- 307 *Delegation*: The totality of the delegates and, should the case arise, any representatives, attachés or interpreters sent by the same country.
Each Member and Associate Member shall be free to make up its delegation as it wishes. In particular it may include in its delegation in the capacity of delegates or advisers, persons belonging to private operating agencies which it recognizes or persons belonging to other private enterprises interested in the field of telecommunication.
- 308 *Telecommunication*: Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.
- 309 *Telegraphy*: A system of telecommunication which is concerned in any process providing transmission and reproduction at a distance of documentary matter, such as written or printed matter or fixed images, or the reproduction at a distance of any kind of information in such a form. For the purposes of the Radio Regulations, however, unless otherwise specified therein, telegraphy shall mean “A system of telecommunication for the transmission of written matter by the use of a signal code”.
- 310 *Telephony*: A system of telecommunication set up for the transmission of speech or, in some cases, other sounds.
- 311 *Radiocommunication*: Telecommunication by means of radio waves.
- 312 *Radio*: A general term applied to the use of radio waves.
- 313 *Harmful Interference*: Any emission, radiation or induction which endangers the functioning of a radio-navigation service or of other

(Annex 3, *contin.*)

- safety services¹, or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with the Radio Regulations.
- 314 *International Service*: A telecommunication service between telecommunication offices or stations of any nature which are in different countries or are subject to different countries.
- 315 *Mobile Service*: A service of radiocommunication between mobile and land stations, or between mobile stations.
- 316 *Broadcasting Service*: A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmissions.
- 317 *Public Correspondence*: Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.
- 318 *Telegram*: Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radio-telegrams unless otherwise specified.
- 319 *Government Telegrams and Government Telephone Calls*: Telegrams or telephone calls originating with any of the authorities specified below:
- the Head of a State;
 - the Head of a government and members of a government;
 - the Head of a territory, or the Head of a territory forming part of a group, Member or Associate Member;
 - the Head of a territory under the trusteeship or mandate of the United Nations or of a Member or Associate Member;
 - Commanders-in-Chief of military forces, land, sea or air;
 - diplomatic or consular agents;
 - the Secretary-General of the United Nations; Heads of the principal organs of the United Nations;
 - the International Court of Justice at The Hague.
- 320 Replies to government telegrams as defined herein shall also be regarded as government telegrams.
- 321 *Private Telegrams*: Telegrams other than service or government telegrams.
- 322 *Service Telegrams*: Telegrams exchanged between:
- (a) administrations;
 - (b) recognized private operating agencies;
 - (c) administrations and recognized private operating agencies;
 - (d) administrations and recognized private operating agencies, on the one hand, and the Secretary-General, on the other, and relating to public international telecommunication.

¹) Any radiocommunication service used permanently or temporarily for the safeguarding of human life and property.

ANNEX 4

(see Article 27)

Arbitration

- 400 1. The party which appeals to arbitration shall initiate the arbitration procedure by transmitting to the other party to the dispute a notice of the submission of the dispute to arbitration.
- 401 2. The parties shall decide by agreement whether the arbitration is to be entrusted to individuals, administrations or governments. If within one month after notice of submission of the dispute to arbitration, the parties have been unable to agree upon this point, the arbitration shall be entrusted to governments.
- 402 3. If arbitration is to be entrusted to individuals, the arbitrators must neither be nationals of the parties involved in the dispute, nor have their domicile in the countries parties to the dispute, nor be employed in their service.
- 403 4. If arbitration is to be entrusted to governments, or to administrations thereof, these must be chosen from among the Members or Associate Members which are not parties to the dispute, but which are parties to the agreement, the application of which caused the dispute.
- 404 5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator.
- 405 6. If more than two parties are involved in the dispute, an arbitrator shall be appointed in accordance with the procedure set forth in 403 and 404, by each of the two groups of parties having a common position in the dispute.
- 406 7. The two arbitrators thus appointed shall choose a third arbitrator who, if the first two arbitrators are individuals and not governments or administrations, must fulfil the conditions indicated in 402, and in addition must not be of the same nationality as either of the other two arbitrators. Failing an agreement between the two arbitrators as to the choice of a third arbitrator, each of these two arbitrators shall nominate a third arbitrator who is in no way concerned in the dispute. The Secretary-General of the Union shall then draw lots in order to select the third arbitrator.
- 407 8. The parties to the dispute may agree to have their dispute settled by a single arbitrator appointed by agreement; or alternatively, each party may nominate an arbitrator, and request the Secretary-General of the Union to draw lots to decide which of the persons so nominated is to act as the single arbitrator.
- 408 9. The arbitrator or arbitrators shall be free to decide upon the procedure to be followed.
- 409 10. The decision of the single arbitrator shall be final and binding upon the parties to the dispute. If the arbitration is entrusted to

(*Annex 4, contin.*)

more than one arbitrator, the decision made by the majority vote of the arbitrators shall be final and binding upon the parties.

410 11. Each party shall bear the expense it shall have incurred in the investigation and presentation of the arbitration. The costs of arbitration other than those incurred by the parties themselves shall be divided equally between the parties to the dispute.

411 12. The Union shall furnish all information relating to the dispute which the arbitrator or arbitrators may need.

Annex 5 - General Regulations

(not reproduced)

AGREEMENT BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL TELECOMMUNICATION UNION

January 1, 1949

PREAMBLE

In consideration of the provisions of Article 57 of the Charter of the United Nations and of article 26 of the Convention of the International Telecommunication Union of Atlantic City 1947, the United Nations and the International Telecommunication Union agree as follows:

Art. 1. The United Nations recognizes the International Telecommunication Union (hereinafter called the Union) as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

RECIPROCAL REPRESENTATION

Art. 2. 1. The United Nations shall be invited to send representatives to participate, without vote, in the deliberations of all the plenipotentiary and administrative conferences of the Union. It shall also, after appropriate consultation, be invited to send representatives to attend international consultative committees or any other meetings convened by the Union, with the right to participate, without vote, in the discussion of items of interest to the United Nations.

2. The Union shall be invited to send representatives to attend meetings of the General Assembly of the United Nations for the purposes of consultation on telecommunication matters.

3. The Union shall be invited to send representatives to be present at the meetings of the Economic and Social Council of the United Nations

and of the Trusteeship Council and of their commissions or committees, and to participate, without vote, in the deliberations thereof with respect to items on the agenda in which the Union may be concerned.

4. The Union shall be invited to send representatives to attend meetings of the main committees of the General Assembly when matters within the competence of the Union are under discussion, and to participate, without vote, in such discussions.

5. Written statements presented by the Union shall be distributed by the Secretariat of the United Nations to the members of the General Assembly, the Economic and Social Council and its commissions, and the Trusteeship Council, as appropriate. Similarly, written statements presented by the United Nations shall be distributed by the Union to its members.

PROPOSAL OF AGENDA ITEMS

Art. 3. After such preliminary consultation as may be necessary, the Union shall include in the agenda of plenipotentiary or administrative conferences or meetings of other organs of the Union, items proposed to it by the United Nations. Similarly, the Economic and Social Council and its commissions and the Trusteeship Council shall include in their agenda items proposed by the conferences or other organs of the Union.

RECOMMENDATIONS OF THE UNITED NATIONS

Art. 4. 1. The Union, having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter, and the function and power of the Economic and Social Council under Article 62 of the Charter to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the co-ordination of the policies and activities of such specialized agencies, agrees to arrange for the submission as soon as possible to its appropriate organ, for such action as may seem proper, of all formal recommendations which the United Nations may make to it.

2. The Union agrees to enter into consultation with the United Nations upon request with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Union or by its members to give effect to such recommendations, or on the other results of their consideration.

3. The Union will co-operate in whatever further measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it agrees to co-operate with any body or bodies which the Economic and Social Council may establish for the purpose of facilitating such co-ordination, and to furnish such information as may be required for the carrying out of this purpose.

EXCHANGE OF INFORMATION AND DOCUMENTS

Art. 5. 1. Subject to such arrangements as may be necessary for the safe-guarding of confidential material, the fullest and promptest exchange of appropriate information and documents shall be made between the United Nations and the Union to meet the requirements of each.

2. Without prejudice to the generality of the provisions of the preceding paragraph:

(a) The Union shall submit to the United Nations an annual report on its activities;

(b) The Union shall comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information,

(c) The Secretary-General of the United Nations shall, upon request, consult with the appropriate authority of the Union with a view to providing to the Union such information as may be of special interest to it.

ASSISTANCE TO THE UNITED NATIONS

Art. 6. The Union agrees to co-operate with and to render all possible assistance to the United Nations, its principal and subsidiary organs, in accordance with the United Nations Charter and the International Telecommunication Convention, taking fully into account the particular position of the individual members of the Union who are not members of the United Nations.

RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

Art. 7. 1. The Union agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

2. The General Assembly authorizes the Union to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its competence other than questions concerning the mutual relationships of the Union and the United Nations or other specialized agencies.

3. Such request may be addressed to the Court by the Plenipotentiary Conference or the Administrative Council acting in pursuance of an authorization by the Plenipotentiary Conference.

4. When requesting the International Court of Justice to give an advisory opinion the Union shall inform the Economic and Social Council of the request.

PERSONNEL ARRANGEMENTS

Art. 8. 1. The United Nations and the Union agree to develop, as far as is practicable, common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate any mutually desirable interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the Union agree to co-operate to the fullest extent possible in achieving these ends.

STATISTICAL SERVICES

Art. 9. 1. The United Nations and the Union agree to strive for maximum co-operation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication, standardization, improvement and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burdens placed upon national Governments and other organizations from which such information may be collected.

2. The Union recognizes the United Nations as the central agency for the collection, analysis, publication, standardization, improvement and dissemination of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the Union as the central agency responsible for the collection, analysis, publication, standardization, improvement and dissemination of statistics within its special sphere, without prejudice to the rights of the United Nations to concern itself with such statistics so far as that may be essential for its own purposes or for the improvement of statistics throughout the world. All decisions as to the form in which its service documents are compiled rest with the Union.

4. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the Union for incorporation in its basic statistical series or special reports should, as far as practicable, be made available to the United Nations upon request.

5. It is agreed that data supplied to the United Nations for incorporation in its basic statistical series or special reports should, so far as is practicable and appropriate, be made available to the Union upon request.

ADMINISTRATIVE AND TECHNICAL SERVICES

Art. 10. 1. The United Nations and the Union recognize the desirability, in the interests of the most efficient use of personnel and resources, of avoiding, whenever possible, the establishment of competitive or overlapping services, and when necessary to consult thereon to achieve these ends.

2. Arrangements shall be made between the United Nations and the Union with regard to the registration and deposit of official documents.

BUDGETARY AND FINANCIAL ARRANGEMENTS

Art. 11. 1. The budget or the proposed budget of the Union shall be transmitted to the United Nations at the same time as such budget is transmitted to the members of the Union, and the General Assembly may make recommendations thereon to the Union.

2. The Union shall be entitled to send representatives to participate,

without vote, in the deliberations of the General Assembly or any committee thereof at all times when the budget of the Union is under consideration.

FINANCING OF SPECIAL SERVICES

Art. 12. 1. In the event of the Union being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with article 6 or with any other provisions of this agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the Union shall similarly take place with a view to making such arrangements as may be found equitable for covering the costs of central administrative, technical or fiscal services or facilities or other special assistance requested by the Union and provided by the United Nations.

UNITED NATIONS LAISSEZ-PASSER

Art. 13. Officials of the Union shall have the right to use the *laissez-passer* of the United Nations in accordance with special arrangements to be negotiated between the Secretary-General of the United Nations and the competent authorities of the Union.

INTER-AGENCY AGREEMENTS

Art. 14. 1. The Union agrees to inform the Economic and Social Council of the nature and scope of any formal agreement contemplated between the Union and any other specialized agency or other inter-governmental organization or international non-governmental organization, and further will inform the Economic and Social Council of the details of any such agreement, when concluded.

2. The United Nations agrees to inform the Union of the nature and scope of any formal agreement contemplated by any other specialized agencies on matters which might be of concern to the Union and further will inform the Union of the details of any such agreement, when concluded.

LIAISON

Art. 15. 1. The United Nations and the Union agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two Organizations. They affirm their intention of taking whatever measures may be necessary to this end.

2. The liaison arrangements provided for in this agreement shall apply, as far as is appropriate, to the relations between the Union and the United Nations, including its branch and regional offices.

UNITED NATIONS TELECOMMUNICATION SERVICES

Art. 16. 1. The Union recognizes that it is important that the United

Nations shall benefit by the same rights as the members of the Union for operating telecommunication services.

2. The United Nations undertakes to operate the telecommunication services under its control in accordance with the terms of the International Telecommunication Convention and the regulations annexed thereto.

3. The precise arrangements for implementing this article shall be dealt with separately.

IMPLEMENTATION OF AGREEMENT

Art. 17. The Secretary-General of the United Nations and the appropriate authority of the Union may enter into such supplementary arrangements for the implementation of this agreement as may be found desirable.

REVISION

Art. 18. On six months' notice given on either side, this agreement shall be subject to revision by agreement between the United Nations and the Union.

ENTRY INTO FORCE

Art. 19. 1. This agreement will come into force provisionally after approval by the General Assembly of the United Nations and the Plenipotentiary Telecommunication Conference at Atlantic City in 1947.

2. Subject to the aforementioned approval, the agreement will formally enter into force at the same time as the International Telecommunication Convention concluded at Atlantic City in 1947, or at some earlier date as may be arranged for by a decision of the Union.

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INTERNATIONAL TIN COUNCIL

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Organization was established on July 1, 1956 by the International Tin Agreement which came into force on that date for a period of five years, having been opened for signature on March 1, 1954. The present International Tin Agreement was prepared at the United Nations Tin Conference of 1960 and, if ratified, will come into effect in July 1, 1961.¹

Prior to this, there was an International Tin Study Group, formed in 1947, to consider problems of tin. It drew up a draft agreement which was considered by a United Nations Conference on Tin in October-November 1950 and again (in revised form) in November-December 1953. The Study Group's statistical activities were transferred in April 1957 to the International Tin Council.

The Agreement has a duration of five years and may be extended, by a two-thirds majority each of consuming and producing countries for periods of twelve months.² Countries may withdraw with twelve months notice or in specified circumstances where they consider their interests damaged.³

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes of the Agreement are to prevent unemployment and other difficulties which might result from maladjustments between supply and demand for tin, to prevent excessive price fluctuations, to achieve price stability and to ensure adequate supplies of tin at reasonable prices at all times, and to provide a framework for measures to promote the more economic production of tin.⁴ The Council periodically determines the quantities of tin to be exported in such a manner as to adjust supply to demand so as to maintain the price of tin metal between the floor and ceiling prices, and to maintain available in the buffer stock tin and cash adequate to rectify any discrepancies between supply and demand which may arise through unforeseen circumstances.⁵

¹ Agreement, Art. 21.

² Id., Art. 19.

³ Id., Art. 15, 18, 19.

⁴ Id., Art. 1.

⁵ Id., Art. 7.

ORGANS

The organs are:

(1) The International Tin Council, composed of representatives of each member government, which operates by a system of weighted voting.¹

(2) The Buffer Stock Manager, appointed by the Council, who is responsible for the operation of the buffer stock, in particular for buying, selling and maintaining the stock.²

(3) The Secretary, appointed by the Council, and the secretariat.³

MEMBERSHIP

The members are Australia, Austria, Belgium, Bolivia, Canada, Congo (Leopoldville), Denmark, France, India, Indonesia, Israel, Italy, Korea, Malaya, Netherlands, Nigeria, Ruanda Urundi, Spain, Thailand, Turkey, the United Kingdom.

MEANS OF FINANCIAL SUPPORT

General expenses are met by contributions in proportion to votes held.⁴ Buffer stock funds are provided by contributions which are compulsory from producing countries and voluntary from consuming countries. The buffer stock is held partly in tin metal and the remainder in cash.⁵

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Council is in relationship with the United Nations.

HEADQUARTERS

Its headquarters are at Haymarket House, 28 Haymarket, London.

¹ Id., Art. 4.

² Id., Arts. 4, 9.

³ Id., Art. 4.

⁴ Id., Art. 5.

⁵ Id., Art. 8.

SECOND INTERNATIONAL TIN AGREEMENT¹

June 24, 1960

The Contracting Governments:

(a) recognizing the exceptional importance of tin to numerous countries which are heavily dependent upon favorable and equitable conditions for its production, consumption or trade;

(b) finding reason to expect that wide-spread unemployment or under-employment in the industries producing and consuming tin may develop out of special difficulties to which international trade in tin is subject, including a tendency toward persistent disequilibrium between production and consumption, the accumulation of burdensome stocks and pronounced fluctuations in price;

(c) considering that the situation of the tin market might be aggravated by uncertainties with respect to the disposal of non-commercial strategic stocks unless provision existed for consultation and for the giving of appropriate notice for their liquidation;

(d) believing that in the absence of international action this situation cannot be corrected by normal market forces in time to prevent wide-spread and undue hardship to workers and the premature abandonment of tin deposits;

(e) recognizing the need to prevent the occurrence of shortages of tin and to take steps to ensure an equitable distribution of supplies if a shortage should occur at any time during the period of this Agreement;

(f) and desiring to continue the work commenced under the International Tin Agreement which was opened for signature on 1 March 1954 and which entered into force on 1 July 1956, hereinafter referred to as the First Agreement, have agreed as follows:

Art. I. Objectives. The objectives of this Agreement are:

(a) to prevent or alleviate wide-spread unemployment or under-employment and other serious difficulties which are likely to result from maladjustments between the supply of and the demand for tin;

(b) to prevent excessive fluctuations in the price of tin and to achieve a reasonable degree of stability of price on a basis which will secure long-term equilibrium between supply and demand;

(c) to ensure adequate supplies of tin at prices which are fair to consumers and provide a reasonable return to producers;

(d) to provide a framework for the consideration of measures to promote the progressively more economic production of tin, while protecting deposits of tin from unnecessary waste or premature abandonment, thus facilitating expansion in world consumption of tin, and to keep under review the long-term need for the development of new deposits of tin;

(e) to continue the work commenced under the First Agreement.

¹ UN document E/CONF. 32/4, supplied by the Council.

Art. 2. *Definitions.* For the purposes of this Agreement:

"*Tin*" means tin metal, other refined tin or the tin content of concentrates or of ore which has been extracted from its original position. For the purposes of this definition, "ore" shall be deemed to exclude (a) material which has been extracted from the ore body but for a purpose other than that of being dressed and (b) material which is discarded in the process of dressing.

"*Tin metal*" means refined tin of good merchantable quality assaying not less than 99.75 per cent.

"*Tin metal held*", when used in relation to the buffer stock holding, includes metal which has been bought for the buffer stock but has not yet been received by the Manager of the buffer stock and excludes metal which has been sold from the buffer stock but which has not yet been delivered by him.

"*Ton*" means a long ton of 2,240 pounds avoirdupois.

"*Net exports*" means the amount exported in the circumstances set out in Part One of Annex C to this Agreement less the amount imported as determined in accordance with Part Two of the same Annex.

"*Participating country*" means, as the context may require, the Government of a country which has ratified or accepted this Agreement or given notification of intention to ratify or accept it or acceded to it on its own behalf for all or part of its territories or on behalf of a country or territory or countries or territories which it is empowered so to engage or the Government of a country or territory or countries or territories on whose behalf separate participation has been declared in accordance with Article 3 or Article 22 hereof, or the country or territory or countries or territories themselves.

"*Consuming country*" means a participating country which, in its instrument of ratification, acceptance, notification or accession, has declared itself to be, or in the instrument relating to it has been declared to be, a consuming country.

"*Contributing country*" means a participating country that has contributed in cash or in tin metal to the buffer stock.

"*Producing country*" means a participating country which, in its instrument of ratification, acceptance, notification or accession, has declared itself to be, or in the instrument relating to it has been declared to be, a producing country.

"*Simple majority*" means a majority of the votes cast by participating countries, counted together.

"*Simple distributed majority*" means a majority of the votes cast by producing countries and a majority of the votes cast by consuming countries, counted separately.

"*Two-thirds distributed majority*" means a two-thirds majority of the votes cast by producing countries and a two-thirds majority of the votes cast by consuming countries, counted separately.

"*Entry into force*" means, except when qualified, the initial entry into force of this Agreement on 1 July 1961, whether such entry into force is provisional in accordance with paragraph 4 of Article 21 or definitive in accordance with paragraph 3 of the same article.

(*Art. 2, contin. – Definitions*)

“*Control period*” means a period which has been so declared and for which a total permissible export amount has been fixed.

“*Quarter*” means a calendar quarter beginning on 1 January, 1 April, 1 July or 1 October, as the case may be.

Art. 3. Participation. Each Contracting Government shall, in its instrument of ratification or acceptance or notification of intention to ratify or accept, deposited under Article 21, or its instrument of accession deposited under Article 22, declare that it desires to participate in this Agreement either as a producing country or as a consuming country. Where a Contracting Government has ratified, accepted, given notification of intention to ratify or accept, or acceded to this Agreement, it may in its instrument of ratification, acceptance, notification or accession, or at any time thereafter in accordance with and subject to the provisions of paragraph 2 of Article 22, declare the separate participation as a producing or as a consuming country, as may be appropriate, of a country or territory or countries or territories interested in the production or consumption of tin, which it is empowered so to engage.

Art. 4. International Tin Council. A. Constitution. 1. (a) On the entry into force of this Agreement, an International Tin Council (hereinafter called the Council) shall be established to administer the provisions and to supervise the operation of this Agreement.

(b) The seat of the Council shall be in London.

2. The Council shall be composed of the Chairman and the delegates of the participating countries.

3. Each participating country shall be represented upon the Council by one delegate. Each delegate may be accompanied at meetings of the Council by alternates empowered to act and vote on behalf of the delegate during his absence or in other special circumstances and by advisers.

4. (a) The Council shall by a two-thirds distributed majority appoint an independent Chairman who may be a national of one of the participating countries. The appointment of the Chairman shall be considered at the first meeting of the Council after the entry into force of this Agreement.

(b) The Chairman shall not have been actively engaged in the tin industry or the tin trade during the ten years preceding his appointment and shall comply with the conditions set out in paragraph 8 of this article.

(c) The Chairman shall hold office for such period and on such other terms and conditions as the Council may determine.

(d) The Chairman shall have no vote at meetings of the Council.

5. The Chairman shall preside at meetings of the Council and shall be responsible to it for the administration and operation of this Agreement in accordance with the decisions of the Council.

6. The Council shall elect annually two Vice-Chairmen, one from delegates of producing countries and one from delegates of consuming countries. A Vice-Chairman, while acting as Chairman of the Council, shall have all the powers and duties of the Chairman unless the Council decides otherwise. A Vice-Chairman shall have no vote while acting as Chairman but may appoint another person to exercise the voting rights of his delegation.

(Art. 4, *contin.* – Council)

7. (a) The Council shall appoint a Secretary and a Manager of the buffer stock established pursuant to Article 8 and shall determine the terms and conditions of service of these two officers.

(b) The Council shall determine the duties of the Secretary and may give instructions to the Chairman as to the manner in which the Manager of the buffer stock (hereinafter called the Manager) is to carry out the duties laid down in this Agreement and such additional duties as the Council may think fit to impose.

(c) These officers shall be responsible in the first place to the Chairman for the performance of their duties and shall be assisted by such staff as may be considered necessary by the Council. The method of appointment and the terms and conditions of employment of such staff shall be approved by the Council.

8. It shall be a condition of appointment and employment of the Chairman, Secretary, Manager and the staff that they do not hold or shall cease to hold any financial interest in the tin industry or in the tin trade and that they shall not seek or receive instructions regarding their functions or duties from any Government or from any person or authority except the Council or person acting on its behalf in accordance with the terms of this Agreement.

9. No information concerning the operation or administration of this Agreement shall be revealed by any officer or employee of the Council, except as may be authorized by the Council or as is necessary for the proper discharge of his duties under this Agreement.

B. *Meetings.* 10. (a) The Council shall meet at least four times a year.

(b) Meetings shall be convened, at the request of any participating country or as may be required by the provisions of this Agreement, by the Chairman or by the Secretary in the event of the incapacity of the Chairman. Meetings may also be convened by the Chairman at his discretion.

(c) Meetings shall unless otherwise decided by the Council be held at the seat of the Council and, except in the case of meetings convened under Article 10, at least seven days' notice of each meeting shall be given.

11. Delegates holding two-thirds of the votes of producing countries and two-thirds of the votes of consuming countries shall together constitute a quorum at any meeting of the Council, provided that, if for any meeting of the Council, there is not a quorum as defined above, a further meeting shall be convened after not less than seven days at which delegates holding more than 1,000 votes shall together constitute a quorum.

12. Any participating country may, in due form satisfactory to the Council, authorize any other participating country to represent its interests and to exercise its voting rights at any meeting of the Council.

C. *Voting.* 13. (a) The producing countries shall together hold 1,000 votes which shall be distributed amongst them so that each producing country receives five initial votes and, in addition, a proportion as nearly as possible equal to the proportion which the percentage of that country as listed in column (2) of Annex A or as published from time to time in accordance with paragraph 10 of Article 7 bears to the total of the

(Art. 4, contin. - Council)

percentages of all producing countries; and the consuming countries shall together hold 1,000 votes which shall be distributed amongst them so that each consuming country receives five initial votes and, in addition, a proportion as nearly as possible equal to the proportion which that country's tonnage as shown in column (2) of Annex B bears to the total tonnage of all consuming countries:

Provided that:

(i) if there are more than thirty consuming countries the initial vote for each consuming country shall be the highest whole number consistent with the requirement that the total of all initial votes for all consuming countries shall not exceed 150;

(ii) if, after the entry into force of this Agreement any country ratifies, accepts, gives notification of intention to ratify or accept, or accedes to this Agreement as a consuming country, the Council shall determine and publish its tonnage, which tonnage shall take effect upon the date decided by the Council for the purposes of this article as if it were one of the tonnages listed in column (2) of Annex B;

(iii) the Council may at its first meeting review the tonnages listed in column (2) of Annex B and may amend such tonnages or any of them. In the event of any such amendment, the Council shall publish such revised tonnages and the tonnages so amended shall be effective for the purposes of this articles as if they were the tonnages listed in column (2) of Annex B as from the date of any such amendment until further amended or June 1962 whichever is the earlier;

(iv) at meetings to be held during the second quarter of 1962 and of each calendar year subsequently the Council shall review the figures of the consumption of tin of each consuming country for each of the three preceding calendar years ending on 31 December and shall publish revised tonnages for each consuming country on the basis of the averages of such figures of consumption, which tonnages shall take effect on 1 July next following for the purposes of this article as if they were the tonnages listed in column (2) of Annex B;

(v) no participating country shall have more than 450 votes; and

(vi) there shall be no fractional votes.

(b) Where, by reason of the failure of one or more of the countries listed in Annex A or Annex B to ratify, accept or give notification of intention to ratify or accept this Agreement or by reason of the operation of the provisions of sub-paragraph (a) of this paragraph or of Articles 5, 8, 16, 17, 18, 19 or 21, the total of the votes of the consuming countries or the producing countries is thereby less than 1,000, the balance of votes shall be distributed amongst other consuming or producing countries as the case may be as nearly in proportion to the votes they already hold, less in each case the initial votes, as is consistent with there being no fractional votes.

14. Decisions of the Council shall, except when otherwise provided, be taken by a simple distributed majority. Abstention shall not be deemed to be the casting of an affirmative or a negative vote. When voting, a delegate shall not divide his vote.

D. Functions and Duties. 15. (a) The Council shall receive from the Chairman at such times as it may request, such information with regard to the holdings and operations of the buffer stock as it considers necessary to fulfil its functions under this Agreement.

(Art. 4, *contin.* – Council)

(b) The Council shall publish:

(i) after the end of each quarter a statement showing the tonnage of tin metal held by it at the end of that quarter; and

(n) after the end of each financial year a report of its activities for that year;

Provided that the statements or reports referred to in this sub-paragraph shall not be published earlier than three months after the end of the periods to which they relate unless the Council so decides.

16. The Council shall make whatever arrangements are appropriate for consultation and co-operation with the appropriate organs of the United Nations and its specialized agencies and with any other international organizations concerned with tin.

17. The Council may request participating countries to furnish any information necessary for the satisfactory administration of this Agreement and, subject to the provisions of Article 16, participating countries shall furnish to the fullest extent possible the information so requested.

18. The Council shall have such powers and perform such duties as may be necessary for the administration and operation of this Agreement, including the power to borrow on behalf of the Administrative Account established under Article 5.

19. (a) The Council may appoint such committees as it considers necessary to assist it in the performance of its functions.

(b) Any power of the Council which may be exercised by a simple distributed majority may be delegated at any time by the Council by a two-thirds distributed majority to any committee. The terms of reference of any such committee shall be determined and its members shall be appointed by the Council by a two-thirds distributed majority. Such delegation may at any time be revoked by the Council by a simple majority.

20. (a) The Council shall establish its own rules of procedure.

(b) Committees of the Council may unless the Council otherwise decides establish their own rules of procedure.

E. *Privileges and Immunities.* 21. The Council shall be accorded in each participating country such currency exchange facilities as may be necessary for the discharge of its functions under this Agreement.

22. The Council shall have in each participating country, to the extent consistent with its law, such legal capacity as may be necessary for the discharge of its functions under this Agreement.

23. The Council shall have in each participating country, to the extent consistent with its law, such exemption from taxation on the assets, income and other property of the Council as may be necessary for the discharge of its functions under this Agreement.

24. The Government of the country in which the seat of the Council is situated shall grant exemption from taxation on remuneration paid by the Council to its employees other than those employees who are nationals of the country in which the seat of the Council is.

Art. 5. *Finance.* 1. The Council shall not be responsible for the

(*Art. 5, contin. – Finance*)

expenses of delegates to the Council or to committees of the Council or the expenses of their alternates and advisers.

2. (a) There shall be kept two accounts for the administration and operation of this Agreement.

(b) The administrative and office expenses of the Council, including the remuneration of the Chairman, the Secretary, the Manager and the staff, shall be brought into one account (hereinafter called the Administrative Account).

(c) All expenditure incurred in the course of or attributable to buffer stock transactions or operations, including all expenses in respect of storage, commission, insurance and telephone and telegraph facilities, shall be borne by buffer stock contributions payable by participating countries under this Agreement and brought by the Manager into another account (hereinafter called the Buffer Stock Account).

3. The Council shall at its first meeting after the entry into force of this Agreement:

(a) determine what its financial year shall be;

(b) approve estimates of contributions and expenditure on the Administrative Account for the period between the date of entry into force of the Agreement and the end of the financial year.

Thereafter it shall approve similar annual estimates for each financial year. If it appears at any time during any financial year that the balance remaining in the Administrative Account is likely to prove inadequate to meet the administrative and office expenses of the Council, the Council may approve supplementary estimates for the remainder of that financial year.

4. Upon the basis of such estimates the Council shall assess in sterling the contribution of each participating country, which shall be liable to pay its full contribution to the Secretary of the Council upon notice of assessment. Each participating country shall pay in respect of each vote which it holds in the Council upon the day of assessment one-two-thousandth of the total amount required, provided that no country shall contribute less than £100 sterling in any financial year.

5. Payments to the Council by participating countries under this article and Articles 7 and 8 and payments by the Council to participating countries under Articles 11 and 20 shall be made in sterling or, at the option of the participating country, in any currency which is freely convertible into sterling on the London foreign exchange market.

6. The Council may deprive any participating country which fails to pay its contribution within six months of the date of notice of assessment of its right to vote at meeting of the Council. If such a country fails to pay its contribution within twelve months of the date of notice of assessment, the Council may deprive it of any other rights under this Agreement, including such proportion of its rights to participation on liquidation of the buffer stock under the terms of Article 11 as is equivalent to the unpaid contribution: Provided that the Council shall, on payment of any such outstanding contribution, restore to the country concerned the rights of which it has been deprived under this paragraph.

(Art. 5, *contin.* – Finance)

7. The Council shall as soon as possible after the end of each financial year publish audited Administrative and Buffer Stock Accounts, provided, however, that such Buffer Stock Accounts shall not be published earlier than three months after the end of the financial year to which they relate.

Art. 6. Floor and Ceiling Prices. 1. For the purposes of this Agreement there shall be floor and ceiling prices for tin metal as hereafter determined.

2. The initial floor and ceiling prices shall be £730 and £880 sterling per ton respectively, provided that there shall be substituted for such prices or for either of such prices any other prices or price which were in force at the date of the termination of the First Agreement.

3. The range between the floor and ceiling prices shall be divided into three sectors. These sectors shall be equal unless the Council by a two-thirds distributed majority otherwise decides.

4. (a) The Council shall at its first meeting after the entry into force of this Agreement and from time to time thereafter or in accordance with the provisions of Article 10 consider whether the floor and ceiling prices are appropriate for the attainment of the objectives of this Agreement and may revise either or both of them.

(b) In so doing, the Council shall take into account the current trends of tin production and consumption, the existing capacity for production, the adequacy of the current price to maintain sufficient future productive capacity and any other relevant factors.

5. The Council shall publish as soon as possible any revised floor or ceiling price, including any provisional or revised price determined under Article 10, and any revised division of the range.

Art. 7. Export Control. 1. The Council shall from time to time determine the quantities of tin which may be exported from producing countries in accordance with the provisions of this article. In determining these quantities, it shall be the duty of the Council to adjust supply to demand so as to maintain the price of tin metal between the floor and ceiling prices. The Council shall also aim to maintain available in the buffer stock tin metal and cash adequate to rectify any discrepancies between supply and demand which may arise through unforeseen circumstances.

2. (a) As soon as practicable after the entry into force of this Agreement and thereafter not less than once in every quarter the Council shall estimate the probable demand for tin during the next following quarter. In the light of this estimate, the quantity of tin metal held in the buffer stock, the amount of the stock held in producing countries, the probable trend of commercial stocks, the current price of tin metal, the provisions of Articles 8 and 11 and any other relevant factors, the Council may declare such a quarter or other period declared under sub-paragraph (b) of this paragraph to be a control period and by the same resolution shall fix a total permissible export amount for that control period. In fixing such amount, the Council shall observe the principles laid down in paragraph 1 of this article.

(Art. 7, *contin.* – *Export Control*)

(b) The control periods shall correspond to the quarters, provided that, on any occasion when the limitation of exports is being introduced for the first time during the currency of this Agreement or is being re-introduced after an interval during which there has been no limitation of exports, the Council may declare as the control period any period not being greater than five months or less than two months, ending on 31 March, 30 June, 30 September or 31 December.

(c) The limitation of exports under this Agreement in each control period shall depend on the positive decision of the Council for that control period and no such limitation shall operate in any period unless the Council has declared it to be a control period and fixed a total permissible export amount in respect of it.

(d) The Council shall not declare a control period unless it finds that at least 10,000 tons of tin metal are likely to be held in the buffer stock at the beginning of that period, provided:

(i) that, if a control period is declared for the first time after an interval during which no limitation of exports was in force, the figure for the purposes of this paragraph shall be 5,000 tons; and

(ii) that the Council may by a two-thirds distributed majority reduce in respect of any period the required amount of 10,000 tons or 5,000 tons, as the case may be.

(e) A total permissible export amount which has become effective shall not cease to be effective during the course of the period to which it relates by reason only of the fact that the buffer stock holding has fallen below the minimum amount of tin metal required under sub-paragraph (d) of this paragraph or any other amount substituted therefor under the same sub-paragraph.

(f) Notwithstanding the suspension of buffer stock operations in accordance with the provisions of paragraph 4 of Article 9 or paragraph 3 of Article 10, the Council may declare control periods and fix total permissible export amounts.

(g) A total permissible export amount previously fixed under sub-paragraph (a) of this paragraph may be revised by the Council, provided however that a total permissible export amount may not be decreased during the control period to which it relates.

3. Notwithstanding the provisions of paragraph 2 of this article, if, under the First Agreement a total permissible export amount has been fixed in respect of the period 1 April to 30 June 1961 and is still effective at the termination of the First Agreement, then

(i) the quarter 1 July to 30 September 1961 shall be deemed to have been declared a control period under this Agreement; and

(ii) the total permissible export amount for such control period shall be the same as that fixed under the First Agreement for the period 1 April to 30 June 1961 unless and until revised by the Council in accordance with the provisions of this article:

Provided that if on 3 July 1961 less than 10,000 tons of tin metal are held in the buffer stock the Council shall consider the position at its first

(Art. 7, *contin.* – *Export Control*)

meeting and, if a decision to continue the limitation of exports is not reached, the period in question shall cease to be a control period.

4. The total permissible export amount for any control period shall be divided among producing countries in proportion to their percentages in Annex A or in proportion to their percentages in any revised table of percentages which may be published in accordance with this Agreement, and the quantity of tin so computed in respect of any country for any control period shall be the permissible export amount of that country for that control period.

5. If, after the entry into force of this Agreement, any country ratifies, accepts, gives notification of intention to ratify or accept, or accedes to it, as a producing country, the Council shall determine the percentage of that country and redetermine the percentages of all the other participating producing countries in proportion to their current percentages.

6. (a) The Council shall review the percentages of the producing countries and redetermine them in accordance with the rules set out in Annex G to this Agreement, provided that the percentage of a producing country shall not, during any period of twelve months, be reduced by more than one-tenth of its percentage at the commencement of that period.

(b) The Council may, from time to time, by a two-thirds distributed majority amend Annex G and any such amendment shall have effect as if it were included in such Annex.

(c) The percentages resulting from the procedure set out in sub-paragraphs (a) and (b) of this paragraph shall be published and shall take effect upon the first day of the quarter following the date of the decision of the Council in replacement of the percentages listed in column (2) of Annex A.

7. (a) Notwithstanding the provisions of paragraph 4 of this article, the Council may, with the consent of a producing country, reduce its share in the total permissible export amount and redistribute the amount of the reduction among the other producing countries in proportion to the percentages of those countries or, if circumstances so require, in some other manner.

(b) The quantity of tin determined according to sub-paragraph (a) of this paragraph for any producing country for any control period shall for the purposes of this article be deemed to be the permissible export amount of that country for that control period.

8. (a) It shall be the duty of any producing country which believes itself unlikely to be able to export in any control period as much tin as it would be entitled to export in accordance with its permissible export amount for that control period to make to the Council, as soon as possible but in any case not later than one calendar month after the date upon which such permissible export amount has become effective, a declaration to that effect.

(b) If the Council has received such a declaration or is of the opinion that any producing country is unlikely to be able to export in any control

(Art. 7, contin. - Export Control)

period as much tin as it would be entitled to export in accordance with its permissible export amount, the Council may increase the total permissible export amount for that control period by such an amount as will in its opinion ensure that the total permissible export amount required will in fact be exported.

9. (a) The net exports of tin from each producing country for each control period shall be limited, except as otherwise provided in this Article, to the permissible export amount for that country for that control period.

(b) If, notwithstanding the provisions of sub-paragraph (a) of this paragraph, the net exports of tin from a producing country in any control period exceed its permissible export amount for that control period by more than 5 per cent, the Council may require the country concerned to make an additional contribution to the buffer stock not exceeding the amount by which such exports exceed its permissible export amount. Such a contribution shall be in tin metal or in cash or in such proportions of tin metal and cash and before such date or dates, as the Council may decide. That part, if any, of the contribution which is to be paid in cash shall be calculated at the floor price current at the date of the decision of the Council. That part, if any, of the contribution which is to be made in tin metal shall be included in and shall not be additional to the permissible export amount of the country in question for the control period in which such contribution is made.

(c) If, notwithstanding the provisions of sub-paragraph (a) of this paragraph, the aggregate net exports of tin from a producing country in any four successive control periods exceed by more than 1 per cent the aggregate of its permissible export amounts for those periods, the permissible export amounts of that country during each of the four subsequent control periods may be reduced by one-quarter of the aggregate tonnage so over-exported or, if the Council so decides, by any greater fraction not exceeding one-half. Such reduction shall take effect from the control period next following that in which the decision was taken by the Council.

(d) If, after any such four successive control periods (during which the aggregate net exports of tin from a country have exceeded its permissible export amount as mentioned in sub-paragraph (c) of this paragraph), the aggregate net exports of tin from that country in any four further successive control periods exceed the aggregate of the permissible export amounts for those four control periods, the Council may, in addition to reducing the total permissible export amount of that country in accordance with the provisions of sub-paragraph (c) of this paragraph, declare that the country shall forfeit a portion, which shall on the first occasion not exceed one half, of its rights to participation on liquidation of the buffer stock. The Council may at any time restore to the country concerned the portion of its rights so forfeited on such terms and conditions as it may determine.

(e) It shall be the duty of a producing country which has exported an

(Art. 7, *contin.* – *Export Control*)

amount of tin in excess of its permissible export amount and of any amount permitted by other provisions of this Article to take affective steps to correct its breach of this Agreement at the earliest possible opportunity; and the Council, when deciding the action to be taken under this paragraph, shall take account of any failure to take such steps or delay in doing so.

10. (a) When, by reason of the determination or alteration of the percentage of a producing country or of the withdrawal of a producing country, the total of percentages is no longer one hundred, the percentage of each other producing country shall be proportionately adjusted so that the total of percentages is restored to one hundred.

(b) The Council shall then publish as soon as possible the revised table of percentages which shall come into force for the purposes of export control with effect from the first day of the control period following that in which the decision to revise percentages was taken.

11. Each producing country shall take such measures as may be necessary to maintain and enforce the provisions of this Article so that its exports shall correspond as closely as possible to its permissible export amount for any control period.

12. For the purposes of this Article, the Council may decide that exports of tin from any producing country shall include the tin content of any material derived from the mineral production of the country concerned.

13. Tin shall be deemed to have been exported if, in the case of countries named in column (1) of Annex C, the formalities set out in column (2) of that Annex opposite the name of that country have been completed, provided that:

(i) the Council may, from time to time, with the consent of the country concerned, amend Annex C and any such amendment shall have effect as if it were included in such Annex;

(ii) if any tin shall be exported from any producing country by any method which is not provided for by column (2) of Annex C, the Council shall determine whether such tin shall be deemed to have been exported for the purposes of this Agreement and, if so, the time at which such export shall be deemed to have taken place.

14. Control periods for which total permissible export amounts have been fixed under paragraph 2 of Article 7 of the First Agreement and penalties imposed under paragraphs 7 or 9 of Article 7 of the First Agreement shall be deemed as from 1 July 1961 to have been fixed or imposed under this Article.

15. (a) The Council, if it considers that the conditions in Annex D are satisfied, may by a two-thirds distributed majority permit the export (hereinafter called a special export) of a specified quantity of tin in addition to the permissible export amount referred to in paragraph 2 of this Article.

(b) The Council may by a two-thirds distributed majority impose such conditions upon a special export as it deems necessary.

(c) If the provisions of Article 12 and the conditions imposed by the

(Art. 7, contin. - Export Control)

Council are fulfilled, a special export shall not be taken into account when the provisions of paragraphs 7 or 9 of this Article are being applied.

(d) The Council may by a two-thirds distributed majority at any time amend the conditions contained in Annex D, provided that any such amendment shall be without prejudice to anything done by a country in pursuance of permission given and conditions already imposed under this paragraph.

16. (a) A producing country may make special deposits of tin metal with the Manager. A special deposit shall not be treated as part of the buffer stock and shall not be at the disposal of the Manager.

(b) A producing country which has informed the Council of its intention of making a special deposit of tin metal from within that country shall, subject to furnishing such evidence as the Council may require to identify the metal or the concentrates exported with the tin metal which is the subject of the special deposit, be permitted to export such metal or concentrates in addition to any permissible export amount that may have been allocated to that country under paragraph 4 of this Article and, subject to the compliance by the producing country with the requirements of Article 12, paragraphs 7, 8 and 9 of this Article shall not apply to such exports.

(c) Special deposits may be accepted by the Manager only at such place or places as may be determined by the Council.

(d) The Chairman shall notify the participating countries of the receipt of any such special deposit.

(e) A producing country which has made a special deposit of tin metal may withdraw the whole or part of such special deposit in order to fulfil the whole or part of its permissible export amount in any control period. In such a case the amount withdrawn from the special deposit shall be regarded as having been exported for the purposes of this Article in the control period in which the withdrawal was made.

(f) In any quarter which has not been declared a control period any special deposit shall be at the unfettered disposal of the country which has made the deposit, subject only to the provisions of paragraph 7 of Article 12.

(g) All charges directly incurred in connexion with any special deposit shall be borne by the country making the deposit.

Art. 8. Establishment of the Buffer Stock. 1. A buffer stock shall be established and maintained in accordance with the provisions of this Article and contributions shall be made to it by producing countries.

2. (a) Producing countries shall make contributions in tin metal amounting in the aggregate to 12,500 tons and contributions in cash amounting in the aggregate to the equivalent of 7,500 tons of tin metal. Such contributions shall be made on 3 July 1961 or by such later date as the Council may at its first meeting determine.

(b) The Council at its first meeting may decide that a portion of the contributions under sub-paragraph (a) of this paragraph to be made in tin metal shall be made in cash or that a portion to be made in cash shall be

(Art. 8, *contin.* – *Buffer Stock*)

made in tin metal. If the Council makes such decision, the producing countries shall complete their arrangements for carrying out the decision within three months of the date of its making or within such further period as the Council may determine.

3. Contributions due to be made in tin metal may be made by the transfer of tin metal from the buffer stock held under the First Agreement.

4. The contributions referred to in paragraph 2 of this Article shall be apportioned between the producing countries according to the percentages set out in column (2) of Annex A.

5. (a) If on or after 1 July 1961 a producing country ratifies, accepts, gives notification of intention to ratify or accept, or accedes to, this Agreement, the contributions of that country shall be determined by the Council with reference to the percentage in column (2) of Annex A as determined or redetermined under paragraph 5 or Article 7.

(b) Contributions determined under sub-paragraph (a) of this paragraph shall be made on the date of the deposit of the instrument.

(c) The Council may direct refunds, not exceeding in the aggregate the amount of any contribution received under sub-paragraph (a) of this paragraph, to be made to the other producer countries and, if it decides that such refunds or part of such refunds are to be made in tin metal, may attach to these refunds such conditions as it deems necessary.

6. (a) The Council may borrow for the purposes of the buffer stock and upon the security of tin warrants held by the buffer stock such sum or sums as it deems necessary, provided that the maximum amount of such borrowing and the terms and conditions thereof shall have been approved by a majority of the votes cast by consuming countries and all the votes cast by producing countries and further provided that no obligation shall be incurred by any consuming country in respect of such borrowing.

(b) The Council may by a two-thirds distributed majority make any other arrangements as it thinks fit for borrowing for the purposes of the buffer stock, provided that no obligation shall be laid upon any participating country under this sub-paragraph without the consent of that country.

7. (a) Any participating country may, with the consent of and upon conditions imposed by the Council, make voluntary contributions to the buffer stock either in cash or in tin metal or in both.

(b) The Chairman shall notify the participating countries of the receipt of any such voluntary contribution.

(c) The Council may at any time at the request of a participating country refund to that country the whole or any part of a voluntary contribution made by that country to the buffer stock. If such refunds or part of such refunds are made in tin metal the Council may attach to these refunds such conditions as it deems necessary.

8. (a) A producing country which for the purposes of making a contribution under this Article wishes to export from stocks lying within that country, may apply to the Council to be permitted to export the amount so desired in addition to its permissible export amount, if any, determined under Article 7.

(Art. 8, *contin.* – *Buffer Stock*)

(b) The Council shall consider any such application and may approve it, subject to such conditions as it deems necessary.

(c) Subject to these conditions being satisfied and to the furnishing of such evidence as the Council may require to identify the metal or concentrates exported with the tin metal delivered to the buffer stock, paragraphs 7, 8 and 9 of Article 7 shall not apply to such exports.

9. Contributions in tin metal may be accepted by the Manager only in warehouses officially recognized by the London Metal Exchange or at such other place or places as may have been determined by the Council.

10. (a) If a producing country does not fulfil its obligations under this Article, the Council may deprive it of any or all of its rights and privileges under this Agreement and may also require the remaining producing countries to make good the deficit in cash or in tin metal or partly in cash and partly in tin metal.

(b) If a part of the deficit is to be made good in tin metal, the producing countries which are making good that deficit shall be permitted to export the amounts required of them in addition to any permissible export amounts that may have been determined under Article 7. Subject to the furnishing of such evidence as the Council may require to identify the metal or concentrates exported with the tin metal delivered to the buffer stock, paragraphs 7, 8 and 9 of Article 7 shall not apply to such exports.

(c) The Council may at any time and on such conditions as it may determine:

(i) declare that the default has been remedied, and

(ii) restore the rights and privileges of the country in question, and

(iii) return the additional contributions made by the other producing countries under sub-paragraph (a) of this paragraph together with interest at the rate of 5 per cent per annum, provided that, in respect of that part of the additional contribution which has been made in tin metal, such interest shall be calculated on the basis of the cash equivalent at the settlement price for tin metal on the London Metal Exchange on the date of the decision of the Council under sub-paragraph (a) of this paragraph. If such refunds or part of such refunds are made in tin metal the Council may attach to these refunds such conditions as it deems necessary.

11. (a) For the purposes of this Article any part of a contribution made in cash shall be deemed to be equivalent to the quantity of tin metal which could have been purchased at the floor price in force:

(i) in the case of contributions made under paragraph 2 of this Article at the date of entry into force of this Agreement;

(ii) in the case of contributions made under paragraph 5 of this Article on the date of the deposit of the instrument; and

(iii) in the case of voluntary contributions made under paragraph 7 of this Article on the date on which the contribution was received by the Manager.

(b) The part of any contribution made in tin metal shall be five tons or a multiple thereof and a cash adjustment shall be made, if necessary, in respect of a fraction of five tons.

Art. 9. Management and Operation of the Buffer Stock. 1. The Manager shall, within the framework of instructions of the Council, be responsible for the operation of the buffer stock and in particular for buying, selling and maintaining stocks of tin in accordance with the provisions of this Article and of Article 11.

2. If the price of cash tin on the London Metal Exchange:

(a) is equal to or greater than the ceiling price, the Manager shall, if he has cash tin at his disposal, offer such tin for sale on the London Metal Exchange at the ceiling price until either the cash price on the London Metal Exchange falls below the ceiling price or the cash tin at his disposal is exhausted;

(b) is in the upper sector of the range between the floor and ceiling prices, the Manager may sell cash tin on the London Metal Exchange at the market price if he considers it necessary to prevent the market price from rising too steeply;

(c) is in the middle sector of the range between the floor and ceiling prices, the Manager shall neither buy nor sell unless the Council otherwise decides, provided that during any period which is not a control period such decision shall require a two-thirds distributed majority;

(d) is in the lower sector of the range between the floor and ceiling prices, the Manager may buy cash tin on the London Metal Exchange at the market price if he considers it necessary to prevent the market price from falling too steeply;

(e) is equal to or less than the floor price, the Manager shall, if he has funds at his disposal, offer to buy cash tin on the London Metal Exchange at the floor price until either the cash price on the London Metal Exchange is above floor price or the funds at his disposal are exhausted.

3. (a) When under the provisions of paragraph 2 of this Article the Manager may buy (or sell, as the case may be) cash tin on the London Metal Exchange he may buy (or sell, as the case may be) forward tin on the London Metal Exchange or buy (or sell, as the case may be) either cash tin or forward tin on any other established market for tin, provided that he may not engage in forward transactions unless these will be completed before the termination of this Agreement.

(b) The Council may authorize the Manager to buy from, or sell to or for the account of, a governmental non-commercial stock.

4. (a) Notwithstanding the provisions of sub-paragraphs (a) and (e) of paragraph 2 of this Article, the Council may suspend the operations of the buffer stock if, in its opinion, the discharge of the obligations laid upon the Manager by those sub-paragraphs will not achieve the purposes of this Agreement.

(b) At such times as the Council is not in session, the power to suspend operations under sub-paragraph (a) of this paragraph shall be vested in the Chairman.

(c) The Chairman may at any time revoke a suspension which he has decided by virtue of the power vested in him under sub-paragraph (b) of this paragraph.

(d) Immediately after a decision by the Chairman to suspend the

(*Art. 9, contin. – Buffer Stock, operation*)

operations of the buffer stock under the powers vested in him by sub-paragraph (b) of this paragraph, he shall convene a meeting of the Council to review such decision. Such meeting shall be held within fourteen days after the date of the suspension.

(e) If operations of the buffer stock have been suspended by the Council under sub-paragraph (a) of this paragraph, the Chairman shall convene a meeting of the Council to review the decision. Such meeting shall be held within six weeks after the date of suspension.

(f) The Council may on such review confirm any suspension under sub-paragraph (a) or (b) of this paragraph or, where a suspension has been revoked by the Chairman under sub-paragraph (c) of this paragraph, may restore such suspension. If the Council fails to come to a decision, buffer stock operations shall be resumed or continued, as the case may be.

(g) Any suspension of the operation of the buffer stock shall be reviewed by the Council at intervals of not longer than six weeks. If at any such meeting the Council fails to come to a decision in favour of the continuation of the suspension, buffer stock operations shall be resumed.

5. Notwithstanding the provisions of this Article the Council may authorize the Manager, if his funds are inadequate to meet his operational expenses, to sell sufficient quantities of tin at the current market price to meet expenses.

Art. 10. Revaluation of Currencies. 1. (a) The Chairman may convene or any participating country may request the Chairman to convene a meeting of the Council immediately to review the floor and ceiling prices if the Chairman or such participating country, as the case may be, considers the movements in the relative values of currencies from those ruling at the date at which this Agreement was opened for signature make such a review necessary.

(b) Meetings convened under sub-paragraph (a) of this paragraph may be convened by less than seven days' notice.

2. In the circumstances set forth in sub-paragraph (a) of paragraph 1 of this Article, the Chairman shall, pending the meeting of the Council, provisionally suspend the operations of the buffer stock if such a suspension is in his opinion necessary to prevent buying or selling of tin by the Manager to an extent likely to prejudice the purposes of this Agreement.

3. The Council may suspend or confirm the suspension of buffer stock operations under this Article. If the Council fails to come to a decision, buffer stock operations if provisionally suspended shall be resumed.

4. Within thirty days of its decision to suspend or to confirm the suspension of buffer stock operations under this Article, the Council shall consider the determination of provisional floor and ceiling prices and may determine such provisional floor and ceiling prices.

5. Within ninety days from the establishment of provisional floor and ceiling prices, the Council shall review such prices and may determine new floor and ceiling prices.

6. If the Council fails to determine provisional floor and ceiling prices in accordance with paragraph 4 of this Article, it may at any subsequent meeting determine what the floor and ceiling prices shall be.

(Art. 10, *contin.* – *Revaluation of Currencies*)

7. Buffer stock operations shall be resumed on the basis of such floor and ceiling prices as are determined in accordance with paragraphs 4, 5 or 6 of this Article as the case may be.

Art. 11. Liquidation of the Buffer Stock. 1. When fixing the total permissible export amount for any control period in accordance with the provisions of Article 7, the Council shall, when the need arises, pay regard to the desirability of reducing the quantity of tin metal held in the buffer stock by the date of termination of this Agreement, and the total permissible export amount may be fixed at such figure, lower than the figure which the Council would otherwise have fixed as the total permissible export amount for that period, as the Council may decide.

2. Within the framework of instructions of the Council, the Manager may sell from the buffer stock at any price, being the current market price and not less than the floor price, the quantities of tin metal by which the Council has reduced the total permissible export amounts in accordance with the provisions of paragraph 1 of this Article.

3. From the date of termination of this Agreement all buffer stock operations under Article 9 shall cease. The Manager shall thereafter make no further purchases of tin metal and may sell tin metal only as authorized by paragraphs 5 and 7 of this Article or by the Council under paragraph 4 of this Article.

4. Unless the Council from time to time substitutes other arrangements for those contained in paragraphs 5, 6 and 7 of this Article, the Manager shall, in connexion with the liquidation of the buffer stock, take the steps set out in paragraphs 5, 6, 7 and 8 of this Article.

5. As soon as possible after the date of termination of this Agreement the Manager shall make an estimate of the total expenses of liquidating the buffer stock in accordance with the provisions of this Article and shall set aside from the balance remaining in the Buffer Stock Account a sum which is in his opinion sufficient to meet such expenses. Should the balance remaining in the Buffer Stock Account be inadequate to meet such expenses, he shall sell a sufficient quantity of tin metal to provide the additional sum required.

6. (a) Subject to and in accordance with the terms of this Agreement, the share of each contributing country in the buffer stock shall be refunded to such country.

(b) For the purpose of ascertaining the share of each contributing country in the buffer stock, the Manager shall adopt the following procedure:

(i) The contributions of each contributing country to the buffer stock (excluding any voluntary contribution or part of a voluntary contribution which has been made under sub-paragraph (a) of paragraph 7 of Article 8 and which has been refunded under sub-paragraph (c) of the same paragraph) shall be evaluated and for this purpose any contribution or portion of any contribution made by a contributing country in metal shall be calculated at the floor price in force at the time when the contribution was made and shall be added to the total contributions made by that country in cash.

(ii) All the tin metal held by the Manager on the date of the termination

(*Art. 11, contin. – Buffer Stock, liquidation*)

of this Agreement shall be valued at the settlement price of cash tin on the London Metal Exchange on that date and an amount to that value shall be added to the total cash held by him at that date after setting aside a sum as required by paragraph 5 of this Article

(iii) If the sum total arrived at under clause (ii) of this sub-paragraph is greater than the sum total of all the contributions made to the buffer stock by all the contributing countries (calculated in accordance with clause (i) of this sub-paragraph), the surplus shall be apportioned among the contributing countries in proportion to the total contributions to the buffer stock of each contributing country multiplied by the number of days that such contributions have been at the disposal of the Manager up to the termination of this Agreement. For this purpose contributions in metal shall be calculated in accordance with clause (i) of this sub-paragraph and each individual contribution (in metal or in cash) shall be multiplied by the number of days that it has been at the disposal of the Manager and for the purpose of calculating the number of days that a contribution has been at the disposal of the Manager neither the date on which the contribution was received by him nor the date of the termination of this Agreement shall be counted. The amount of surplus so apportioned to each contributing country shall be added to the total of the contributions of that country (calculated in accordance with clause (i) of this sub-paragraph): Provided, however, that in calculating the apportionment of such a surplus a forfeited contribution shall not be regarded as having been at the disposal of the Manager during the period of forfeiture.

(iv) If the sum total arrived at under clause (ii) of this sub-paragraph is less than the sum of all the contributions made to the buffer stock by all the contributing countries (calculated in accordance with clause (i) of this sub-paragraph) the deficit shall be apportioned among the contributing countries in proportion to their total contributions (calculated in accordance with clause (i) of this sub-paragraph) and the amount of the deficit so apportioned to each contributing country shall be deducted from the total of the contributions of that country (calculated in accordance with clause (i) of this sub-paragraph).

(v) The result of the foregoing calculation shall in the case of each contributing country be treated as its share of the buffer stock.

(c) The Manager shall then, subject to the provisions of paragraph 5 of this Article, allocate to each contributing country its share (calculated as aforesaid) of the cash and tin metal at his disposal, provided, however, that if any contributing country has forfeited the whole or part of its right to participate in the proceeds of the liquidation of the buffer stock by virtue of Articles 5, 7, 8, 17, 18 or 19 of this Agreement, it shall to that extent be excluded from the refund of its share and the resulting residue shall be apportioned between the other contributing countries in the manner laid down in clause (iv) of sub-paragraph (b) of this paragraph for the apportionment of a deficit.

(d) The ratio of tin metal to cash allocated to each contributing country under this paragraph shall be the same.

7. The Manager shall then repay to each contributing country the cash allocated to that country as the result of the procedure in paragraph 6 of this Article. He shall either:

(i) transfer the tin metal so allocated to each contributing country to that country in twelve monthly instalments which shall be as nearly equal as possible; or

(*Art. 11, contin. – Buffer Stock, liquidation*)

(n) at the option of any contributing country sell any such instalment and pay to it the net proceeds of such sale.

8. When all the tin metal has been disposed of in accordance with paragraph 7 of this Article, the Manager shall distribute between contributing countries any balance remaining of the sum set aside under paragraph 5 of this Article in the proportions allocated to each country in accordance with paragraph 6 of this Article.

Art. 12. Stocks in Producing Countries. 1. (a) The stocks of tin within any producing country which have not been exported within the definition contained in Annex C shall not at any time during a control period exceed 25 per cent of the amount shown against that country in Annex E.

(b) Such stocks shall not include tin in the course of transport between the mine and the point of export as defined in Annex C.

(c) The Council may substitute for the figures in Annex E the net exports for any period consisting of not less than four consecutive quarters, none of which was a control period.

2. The Council may permit the percentage laid down in sub-paragraph (a) of paragraph 1 of this Article to be exceeded in particular countries during specified periods and may impose conditions in relation to the granting of such permission.

3. Any increase in percentage approved under Article 12 of the First Agreement and still operative at the termination of that Agreement and any conditions which have been imposed in connexion therewith shall be deemed to have been approved or imposed under this Agreement unless the Council on or before 31 December 1961 otherwise decides.

4. Any special export permitted by the Council under the provisions of paragraph 15 of Article 7 and any special deposit made under the provisions of paragraph 16 of Article 7 shall be deducted from the amount of stocks permitted under this Article to be held in a control period within the producing country concerned.

5. (a) In a producing country mentioned in column (1) of Annex F where tin ore is unavoidably extracted from its original position in the mining of the other mineral mentioned in column (2) of that Annex and where for that reason the limitation of stocks prescribed in paragraph 1 of this Article would unreasonably restrict the mining of that other mineral, additional stocks of tin ore may be held within that country to the extent certified by the Government of that country as having been won exclusively in association with that other mineral and actually retained in that country, provided that the proportion which such additional stocks bear to the total amount of the other mineral exported shall not at any time exceed the proportion stated in column (3) of Annex F.

(b) Except with the consent of the Council, the disposal of such additional stocks shall not commence until after the liquidation of all the tin metal in the buffer stock and the rate of disposal thereafter shall not exceed one-fortieth of the whole or 250 tons whichever is the greater in each quarter, provided that the Council may increase the fraction or tonnage, or both, mentioned in this sub-paragraph.

(*Art. 12, contin. – Stocks in Producing countries*)

(c) A country mentioned in column (1) of Annex F shall, in consultation with the Council, make regulations governing the maintenance, protection and control of such additional stocks.

(d) The Council may, with the consent of the producing country concerned, amend Annex E and Annex F.

6. Each producing country shall forward to the Council at such intervals as the Council may require statements as to the stocks of tin within its territory which have not been exported within the definition of Annex C. Such statements shall not include tin in course of transport between the mine and the point of export as defined in Annex C. Such statements shall show separately the stocks held by virtue of the provisions of paragraph 5 of this Article.

7. Each producing country shall, not less than six months before the termination of this Agreement, inform the Council of its plans for the disposal of special deposits and of all or part of the stocks referred to in paragraphs 1 and 2 of this Article (other than additional stocks whose disposal is governed by the provisions of paragraph 5 of this Article) and shall consult with the Council as to the best means of making such disposal without avoidable disruption of the tin market and in harmony with the provisions for the liquidation of the buffer stock under Article 11. The producing country concerned shall give due consideration to the recommendations of the Council.

Art. 13. Action in the Event of a Tin Shortage. 1. If at any time it appears to the Council that a shortage of tin has developed or is expected to develop, the Council may invite countries interested in the consumption or production of tin to present to it, by a date which it shall fix and in respect of such period as it shall determine:

(i) estimates of their respective demands for tin during the same period; and

(ii) estimates of the maximum amounts of tin which each country can put at the disposal of consumers during the same period.

2. On the basis of these estimates, the Council shall compare the total estimated requirements with the total estimated supplies during the specified period. It shall take into account the probable increase or decrease in tin stocks. If the Council considers that a serious shortage of tin is likely to develop, it may make recommendations to the participating countries:

(i) with a view to ensuring the maximum development of production in the producing countries;

(ii) with a view to assuring to consuming countries the equitable distribution of the available supplies of tin metal, at a price which shall not be higher than the ceiling price, it being understood that the latter may be revised in conformity with the provisions of Articles 6 and 10.

3. For this purpose the Council shall be entitled to communicate to countries the necessary information on the allocation of the quantities in question.

Art. 14. Ancillary Provisions. 1. Participating countries shall during

(*Art. 14, contin. – Ancillary Provisions*)

the currency of this Agreement use their best endeavors and co-operate to promote the attainment of its objectives.

2. Without prejudice to the general scope of paragraph 1 of this Article, participating countries shall in particular observe the following conditions:

(a) they shall not, so long as sufficient quantities of tin are available to meet their full requirements, prohibit or limit the use of tin for specified purposes except in circumstances in which such prohibition or limitation would be permitted under the General Agreement on Tariffs and Trade;

(b) they shall create conditions which would promote the transference of tin production from less efficient to more efficient enterprises, and shall encourage the conservation of the natural resources of tin by preventing the premature abandonment of deposits; and

(c) they shall not dispose of non-commercial stocks of tin except upon six months' public notice. The Council may consent to a reduction in the length of such notice. The public notice shall state the reasons for disposal, the quantity to be released, the method or methods by which disposals are to be made, the earliest date on which tin will be available and the period within which the disposals are expected to be completed. Such disposal shall protect producers and consumers against avoidable disruption of their usual markets. A participating country wishing to dispose of such stocks shall, at the request of the Council or of any other participating country which considers itself substantially interested, consult as to the best means of avoiding substantial injury to the economic interests of producing and consuming countries. The participating country shall give due consideration to any recommendations thereon made by the Council. If the notice is given at a time which is not within a control period and before the expiry of the notice that a control period has been declared under Article 7, the participating country wishing to dispose of the stocks shall, notwithstanding any previous consultation which may have been held, again consult the Council and shall reconsider the disposal plan taking into consideration any recommendations the Council may then make.

Art. 15. Fair Labor Standards. The participating countries declare that, in order to avoid the depression of living standards and the introduction of unfair competitive conditions in world trade, they will seek to ensure fair labor standards in the tin industry.

Art. 16. National Security Provisions. 1. Nothing in this Agreement shall be construed

(a) to require a participating country to furnish any information the disclosure of which it considers contrary to its essential security interests; or

(b) to prevent a participating country from taking, either singly or with other countries, any action which it considers necessary for the protection of its essential security interests where such action

(i) relates to traffic in arms, ammunition or implements of war, or to traffic in other goods and materials carried on directly or indirectly for the purpose of supplying a military establishment of any country, or

(Art. 16, contin. – National Security Provisions)

(ii) is taken in time of war or other emergency in international relations,

or

(c) to prevent a participating country from entering into or carrying out any inter-governmental agreement (or other agreement on behalf of a country for the purpose specified in this paragraph) made by or for a military establishment for the purpose of meeting essential requirements of the national security of one or more of the countries participating in such agreement; or

(d) to prevent a participating country from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

2. Participating countries shall notify the Chairman as soon as practicable of any action they take respecting tin in consequence of sub-paragraphs (b) (ii) or (d) of paragraph 1 of this Article, and the Chairman shall so notify other participating countries.

3. Any participating country which considers its economic interests under this Agreement seriously injured by action taken by any other participating country or countries, other than action taken in time of war, under the provisions of paragraph 1 of this Article, may complain to the Council.

4. On receipt of such a complaint the Council shall review the facts of the situation and shall by a majority of the votes held by consuming countries and a majority of the votes held by the producing countries decide whether the complainant country is justified in its complaint and shall, if it so decides, permit the complainant country to withdraw from this Agreement.

Art. 17. Complaints and Disputes. 1. Any complaint that any participating country has committed a breach of this Agreement for which a remedy is not provided elsewhere in this Agreement shall, at the request of the country making the complaint, be referred to the Council for a decision.

2. Any dispute concerning the interpretation or application of this Agreement shall, at the request of any participating country, be referred to the Council for decision.

3. In any case where a dispute has been referred to the Council under paragraph 2 of this Article, or in any case where a complaint involving a dispute concerning the interpretation or application of this Agreement has been referred to the Council under paragraph 1 of this Article, a majority of participating countries or any participating countries holding not less than one-third of the votes in the Council may require the Council, after full discussion, to seek the opinion of the advisory panel referred to in paragraph 4 of this Article on the issues in dispute before giving its decision.

4. (a) Unless the Council by a unanimous decision of votes cast agrees otherwise, the panel shall consist of

(i) two persons, one having wide experience in matters of the kind in dispute and the other having legal standing and experience, nominated by the producing countries;

(Art. 17, *contin.* – *Complaints and Disputes*)

- (ii) two such persons nominated by the consuming countries; and
- (iii) a chairman selected unanimously by the four persons nominated under (i) and (ii) or, if they fail to agree, by the Chairman of the Council.

(b) Nationals of participating countries shall be eligible to serve on the advisory panel and persons appointed to the advisory panel shall act in their personal capacities and without instructions from any Government.

(c) The expenses of the advisory panel shall be paid by the Council.

5. The opinion of the advisory panel and the reasons therefor shall be submitted to the Council which, after considering all the relevant information, shall decide the dispute.

6. Save where otherwise provided in this Agreement, no participating country shall be found to have committed a breach of this Agreement unless a resolution to that effect is passed. Any such finding shall specify the nature and extent of the breach.

7. If the Council finds under this Article that a participating country has committed a breach of this Agreement, the Council may, unless some other penalty is provided elsewhere in this Agreement, deprive the country concerned of its voting and other rights until it has remedied the breach or has otherwise fulfilled its obligations.

8. For the purposes of this Article the expression "breach of this Agreement" shall be deemed to include the breach of any condition imposed by the Council or failure to fulfil any obligation laid upon a participating country by the Council in accordance with this Agreement.

Art. 18. Amendments and Suspensions. 1. (a) The Council may, by a two-thirds majority of the votes held by producing countries and a two-thirds majority of the votes held by the consuming countries, recommend to Contracting Governments amendments to this Agreement. The Council shall, in its recommendation, fix the time within which each Contracting Government shall notify the Government of the United Kingdom of Great Britain and Northern Ireland whether or not it ratifies or accepts the recommended amendment, on its own behalf or on behalf of any country or territory or countries or territories separately participating in this Agreement.

(b) The Council may extend the time fixed by it under sub-paragraph (a) of this paragraph for notification of ratification or acceptance.

2. If, within the time fixed under sub-paragraph (a) or extended under sub-paragraph (b) of paragraph 1 of this Article, an amendment is ratified or accepted by or on behalf of all participating countries it shall take effect immediately on the receipt by the Government of the United Kingdom of Great Britain and Northern Ireland of the last ratification or acceptance.

3. If, within the time fixed under sub-paragraph (a) or extended under sub-paragraph (b) of paragraph 1, an amendment is not ratified or accepted by or on behalf of participating countries holding all of the votes of producing countries and by or on behalf of participating countries holding two-thirds of the votes of consuming countries, it shall not take effect.

4. If, by the end of the time fixed under sub-paragraph (a) or extended under sub-paragraph (b) of paragraph 1, an amendment is ratified or

(Art. 18, contin. — Amendments and Suspensions)

accepted by or on behalf of participating countries holding all of the votes producing countries and by or on behalf of participating countries holding two-thirds of the votes of consuming countries:

(a) the amendment shall become effective for the participating countries by whom or on whose behalf ratification or acceptance has been signified at the end of three months next following the receipt by the Government of the United Kingdom of Great Britain and Northern Ireland of the last ratification or acceptance necessary to comprise all of the votes of producing countries and two-thirds of the votes of consuming countries;

(b) the Council shall, as soon as possible after the coming into effect of an amendment, determine whether the amendment is of such a nature that consuming countries which do not ratify or accept it shall be suspended from the Agreement from the date upon which it becomes effective under sub-paragraph (a) of this paragraph, and shall inform all participating countries accordingly. If the Council determines that the amendment is of such a nature, consuming countries which have not ratified or accepted it shall inform the Council within one month following this determination whether the amendment is still unacceptable and those consuming countries which do so shall automatically be suspended from the Agreement, provided that, if any such consuming country satisfies the Council that its ratification or acceptance of an amendment could not be secured by the time the amendment became effective under sub-paragraph (a) of this paragraph by reason of constitutional difficulties, the Council may postpone suspension until such difficulties have been overcome and the consuming country has notified its decision to the Council;

(c) the Council may reinstate a consuming country which has been suspended under sub-paragraph (b) of this paragraph on such terms and conditions as it considers equitable.

5. If a consuming country considers that its interests will be adversely affected by an amendment, it may, before the expiry of the period fixed under sub-paragraph (a) or extended under sub-paragraph (b) of paragraph 1 of this Article or the expiry of any period until the suspension of a consuming country is determined under the provisions of sub-paragraph (b) of paragraph 4 of this Article, give notice to the Government of the United Kingdom of Great Britain and Northern Ireland of its withdrawal from this Agreement, and this withdrawal shall take effect on the same date as the amendment, or on the date upon which such suspension is determined, in the discretion of and as notified by such country.

6. Any amendment of this Article shall come into effect only if it is ratified or accepted by or on behalf of all participating countries.

7. The Government of the United Kingdom of Great Britain and Northern Ireland shall notify all interested Governments and the Council of the receipt of instruments of ratification or acceptance in accordance with paragraph 1 of this Article and of the entry into force of an amendment in accordance with paragraphs 2 or 6 or sub-paragraph (a) of paragraph 4 of this Article.

(*Art. 18, contin. – Amendments and Suspensions*)

8. The provisions of this Article shall not affect any power under this Agreement to amend or enlarge any Annex to this Agreement.

Art. 19. Withdrawal. 1. A participating country which withdraws from this Agreement during its currency save

(i) in accordance with the provisions of paragraph 4 of Article 16 or paragraph 5 of Article 18; or

(ii) upon at least twelve months' notice being given to the Government of the United Kingdom of Great Britain and Northern Ireland not earlier than one year after the entry into force of this Agreement,

shall not be entitled to any share of the proceeds of the liquidation of the buffer stock under the terms of Article 11 nor shall it be entitled to a share of the other assets of the Council on the termination of this Agreement under the terms Article 20.

2. A consuming country which is suspended in accordance with the provisions of sub-paragraph (b) of paragraph 4 of Article 18 shall nevertheless not lose any entitlement to its share of the proceeds of the liquidation of the buffer stock under the terms of Article 11 or to its share of the other assets of the Council on the termination of this Agreement under the terms of Article 20.

3. The Government of the United Kingdom of Great Britain and Northern Ireland shall notify all interested Governments and the Council of the receipt of notification of withdrawal from this Agreement.

Art. 20. Duration, Termination and Renewal. 1. (a) The duration of this Agreement shall, except as otherwise provided in this Article or in Article 21, be five years from 1 July 1961.

(b) The Council may by a two-thirds majority of the votes held by producing countries and a two thirds majority of the votes held by consuming countries extend the duration of this Agreement by a period or periods not exceeding twelve months in all.

2. A Contracting Government may at any time give notice that it intends to propose at the next meeting of the Council the termination of this Agreement. If the Council by a two-thirds majority of the votes held by producing countries and a two-thirds majority of the votes held by consuming countries adopts such a proposal, it shall recommend to the Contracting Governments that this Agreement be terminated. If countries holding two-thirds of the votes of producing countries and two-thirds of the votes of consuming countries notify the Council that they accept the recommendation, this Agreement shall terminate on such date as the Council shall decide, being a date not later than six months after the receipt by the Council of the last of the notifications from the aforesaid countries.

3. The Council shall from time to time consider what the relationship between the supply of and demand for tin is likely to be at the expiration of this Agreement and shall recommend to the Contracting Governments, not later than four years after the entry into force of this Agreement, whether it is necessary and appropriate that this Agreement shall be renewed, and, if so, in what form.

(*Art. 20, contin. – Duration, Temination, Renewal*)

4. (a) On the termination of this Agreement the buffer stock shall be liquidated in accordance with the provisions of Article 11.

(b) After all liabilities incurred by the Council, other than liabilities of the buffer stock, have been met, the remaining assets shall be disposed of in the manner laid down in this paragraph.

(c) If a body is created to succeed the Council, the Council shall transfer its archives, statistical material and such other documents as the Council may determine to such successor body and may by a distributed two-thirds majority transfer all or any of its remaining assets to such successor body.

(d) If no successor body is created:

(i) the Council shall transfer its archives, statistical material and any other documents to the Secretary-General of the United Nations or to any international organization nominated by him or, failing such nomination, as the Council may determine;

(ii) the remaining non-monetary assets of the Council shall be sold or otherwise realized in such a manner as the Council may direct; and

(iii) the proceeds of such realization and any remaining monetary assets shall then be distributed in such a manner that each participating country shall receive a share proportionate to the total of the contributions which it has made to the Administrative Account established under Article 5.

5. The Council shall remain in being for as long as may be necessary for the carrying out of paragraph 4 of this Article, for the supervision of the liquidation of the buffer stock and any stocks held in producing countries by virtue of Article 12 and for the supervision of the due performance of conditions imposed under this Agreement by the Council or under the First Agreement and the Council shall have such of the powers and functions conferred on it by this Agreement as may be necessary for the purpose.

Art. 21. Signature, Ratification, Acceptance and Entry into Force. 1. This Agreement shall be open for signature in London from 1 September to 31 December 1960 on behalf of Governments represented at the session of the United Nations Tin Conference held in 1960.

2. This Agreement shall be subject to ratification or acceptance on behalf of the signatory Governments in accordance with their respective constitutional procedures. Instruments of ratification or acceptance shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland.

3. Subject to the provisions of paragraphs 4 and 5 of this Article:

(a) this Agreement shall enter into force definitively if instruments of ratification or acceptance have been deposited on or before 30 June 1961 on behalf of Governments representing at least nine consuming countries as set out in column (1) of Annex B holding together at least 500 of the votes set out in column (5) of that Annex and at least six producing countries holding together at least 950 of the votes set out in column (5) of Annex A. Provided that the foregoing conditions have been satisfied, this Agreement shall enter into force definitively on 1 July 1961 for the Governments which have ratified or accepted it;

(Art. 21, *contin.* – *Signature, etc.*)

(b) this Agreement shall enter into force definitively, for each signatory Government ratifying or accepting it on or after 1 July 1961, on the date of the deposit of its instrument of ratification or acceptance.

4. If the conditions laid down in sub-paragraph (a) of paragraph 3 of this Article for the definitive entry into force of this Agreement have not been satisfied, but instruments of ratification or acceptance or notification of intention to ratify or accept have been deposited with the Government of the United Kingdom of Great Britain and Northern Ireland on or before 30 June 1961, on behalf of Governments representing countries, satisfying the conditions laid down in sub-paragraph (a) of paragraph 3 of this Article, this Agreement shall enter into force provisionally on 1 July 1961, for those Governments and thereafter for any other signatory Government on the date of the deposit on its behalf of an instrument as aforesaid.

5. If this Agreement has entered into force provisionally under paragraph 4 of this Article, then as soon as instruments of ratification or acceptance have been deposited on behalf of Governments representing countries satisfying the conditions laid down in sub-paragraph (a) of paragraph 3 of this Article it shall enter into force definitively for those Governments and thereafter for any other signatory Government on the date of the deposit of its instrument of ratification or acceptance.

6. If this Agreement has entered into force provisionally under paragraph 4 of this Article, but has not entered into force definitively under paragraph 5 thereof on or before 31 December 1961, the Chairman shall as soon as possible convene a meeting of the Council. The Council may decide either to terminate this Agreement on such date as it shall fix or to review on such date or dates as it deems appropriate the question whether this Agreement shall be terminated. Unless, however, this Agreement enters into force definitively it shall be terminated not later than 30 June 1962.

7. If this Agreement has entered into force definitively under sub-paragraph (a) of paragraph 3 or paragraph 5 of this Article, and if Government which has given a notification of intention to ratify or accept, has failed to deposit an instrument of ratification or acceptance within a period of ninety days from the date of definitive entry into force, that Government shall cease to participate in this Agreement, provided that the Council may extend the period aforesaid if so requested by that Government, and further provided that that Government may withdraw from the Agreement before the expiry of the period aforesaid or any extension thereof by giving to the Government of the United Kingdom of Great Britain and Northern Ireland at least thirty days' notice of withdrawal.

8. As soon as possible after the entry into force of this Agreement, the Government of the United Kingdom of Great Britain and Northern Ireland shall send a certified copy of this Agreement to the Secretary-General of the United Nations for its registration in accordance with Article 102 of the Charter of the United Nations. Any amendments to this Agreement shall likewise be communicated.

(*Art. 21, contin. – Signature, etc.*)

9. The Government of the United Kingdom of Great Britain and Northern Ireland shall in respect of this Agreement:

(a) notify interested Governments of each ratification, acceptance or notification of intention to ratify or accept; and

(b) summon the first meeting of the Council in London for 3 July 1961.

Art. 22. Accession. 1. Any Government, whether represented at the session of the United Nations Tin Conference held in 1960 or not, may, with the consent of and upon conditions to be determined by the Council, accede to this Agreement.

2. A Contracting Government may, with the consent of and upon conditions to be determined by the Council, declare the separate participation of any country or territory or countries or territories which may be entitled under Article 3 to separate participation and the separate participation of which was not declared in the instrument of ratification, acceptance, notification or accession of the Contracting Government and the provisions of this Agreement shall accordingly apply to such country or territory or countries or territories.

3. (a) The conditions laid down by the Council shall be equitable, in respect of voting rights and financial obligations, as between the countries seeking to accede or participate and other countries already participating.

(b) Upon the accession of a producing country to this Agreement, the Council shall with the consent of such country fix the amount to be shown against that country in Annex E and may fix the additional amount of tin permitted to be stocked if won unavoidably in the course of mining for certain other minerals to be shown in Annex F and the amounts so fixed shall have effect as though they were included in such Annexes.

4. Accession shall be effected by the deposit of an instrument of accession with the Government of the United Kingdom of Great Britain and Northern Ireland which shall notify all interested Governments and the Council of such accession.

5. A Contracting Government which declares the separate participation of any country or territory or countries or territories under paragraph 2 of this Article shall do so by notification given to the Government of the United Kingdom of Great Britain and Northern Ireland which shall notify all interested Governments and the Council of such separate participation.

6. A country or territory, the separate participation of which has been declared under Article 3 or paragraph 2 of this Article by any Contracting Government, shall, when it becomes an independent State, be deemed to be a Contracting Government and the provisions of this Agreement shall apply to the Government of such State as if it were an original Contracting Government already participating in this Agreement.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments, have signed this Agreement on the dates appearing opposite their signatures.

The texts of this Agreement in the English, French and Spanish languages are all equally authentic, the originals being deposited with the

(Art. 22, *contin.* – *Accession*)

Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified copies thereof to each signatory and acceding Government.

ANNEX A

	Percentage	Number of Votes		
		Initial Vote	Additional Vote	Total
(1)	(2)	(3)	(4)	(5)
Belgian Congo } Ruanda-Urundi }	9.25	5	90	95
Bolivia	18.00	5	175	180
Indonesia	19.50	5	189	194
Federation of Malaya	38.00	5	368	373
Federation of Nigeria	6.25	5	61	66
Thailand	9.00	5	87	92
Totals	100	30	970	1,000

The percentage attributed to the Belgian Congo and Ruanda-Urundi may be divided between those two countries after notification made to the Council by the Government of Belgium.

The votes in the Annex shall thereupon be adjusted accordingly.

ANNEX B

	Tons	Number of Votes		
		Initial Vote	Additional Vote	Total
(1)	(2)	(3)	(4)	(5)
Australia	3,135	5	35	40
Belgium	2,188	5	25	30
Canada	3,714	5	42	47
Denmark	5,100	5	57	62
Federal Republic of Germany	11,946	5	134	139
France	11,043	5	124	129
Guinea	20	5	1	6
India	3,930	5	44	49
Italy	3,617	5	41	46
Japan	9,849	5	110	115
Mexico	992	5	11	16
Netherlands	2,855	5	32	37
Republic of Korea	195	5	2	7
Spain	733	5	8	13
Turkey	567	5	6	11
United Arab Republic	867	5	10	15
United Kingdom	20,823	5	233	238
Total	81,574	85	915	1,000

ANNEX C

PART ONE

CIRCUMSTANCES IN WHICH TIN SHALL BE DEEMED TO
HAVE BEEN EXPORTED FOR THE PURPOSE OF
EXPORT CONTROL

Column 1

Column 2

Belgian Congo
Ruanda-Urundi

Tin shall be deemed to have been exported when a through bill of lading has been delivered by a carrier affiliated to the Comité intérieur des Transports du Congo Belge acknowledging the delivery of the tin to that carrier.

If, for any reason, no such document has been delivered for a particular consignment, the tonnage of tin in that consignment shall be deemed to have been exported for the purposes of the Agreement when export documents have been delivered by the Customs Administration of the Belgian Congo or of Ruanda-Urundi.

Bolivia

Tin shall be deemed to have been exported when it has passed the control of the Customs Authorities of Bolivia for payment of export duty.

Indonesia

Tin shall be deemed to have been exported, if mined in the customs territory, as soon as it has passed the Customs; and, if mined in free trade areas, as soon as the tin has been loaded on board of carrying steamer as proved by bill of lading.

Federation of Malaya

Tin shall be deemed to have been exported from the Federation of Malaya at the time at which the concentrates have, or, where the concentrates have been smelted before the payment of export duty, the metal has been weighed by the Customs Department of the Federation of Malaya for the payment of such export duty.

Federation of Nigeria

Tin shall be deemed to have been exported when a waybill has been delivered by the Nigerian Railway Corporation acknowledging the delivery for export of the tin to that Corporation: provided that any tin for export which is not consigned to the Nigerian Railway Corporation shall be deemed to have been exported at the time at which the tin has been passed by the Customs Department of the

(Annex C, *contin.*)

Thailand

Federation of Nigeria for the payment of export duty.

Tin shall be deemed to have been exported when the concentrates have been passed by the Customs Department of the Government of Thailand for the payment of royalty.

PART TWO

IMPORTS INTO PRODUCING COUNTRIES

For the purpose of determining net exports of tin under Article 7, imports deductible from exports during a control period shall be the net amount imported into the producing country concerned during the quarter immediately preceding the declaration of the control period in question.

ANNEX D

The conditions referred to are as follows:

- (i) that the proposed special export is destined to form part of a governmental stockpile, and
- (ii) that the proposed special export is unlikely to be used for any commercial or industrial purpose during the currency of this Agreement.

ANNEX E

Country	Amount, tons
Belgian Congo	14,983
Ruanda-Urundi	2,180
Bolivia	27,622
Indonesia	27,738
Federation of Malaya	59,503
Federation of Nigeria	10,094
Thailand	13,577

ANNEX F

Additional stocks permitted if won unavoidably in the course of mining for certain other minerals

Country	Other mineral	Tons of cassiterite that may be stocked for each ton of other mineral exported
(1)	(2)	(3)
Nigeria	Columbite	Two

ANNEX G

Rule 1. The first redetermination of the percentages of the producing countries shall be made when four consecutive quarters (beginning on or after 1 October 1960) have not been declared to be control periods under this Agreement or the First Agreement. The redetermination shall be made as soon as figures of the production of tin in each of the producing countries in the four quarters in question are available.

Rule 2. Further redeterminations of the percentages shall be made at yearly intervals following the first redetermination, provided that no quarter subsequent to the quarters referred to in Rule 1 shall have been declared to be a control period.

Rule 3. Should any quarter be declared to be a control period, no further redetermination of the percentages shall be made until a further four consecutive quarters have not been declared to be control periods; a further redetermination shall then be made as soon as figures for the production of tin in each of the producing countries in such four consecutive quarters are available; and subsequent redeterminations shall be made at yearly intervals thereafter for so long as no quarter is declared to be a control period. A similar procedure shall be followed if any subsequent quarter is declared to be a control period.

Rule 4. For the purpose of Rules 2 and 3 redeterminations shall be deemed to have been made at yearly intervals if they are made in the same quarter of the calendar year as were the preceding redeterminations.

Rule 5. At the first redetermination, made under Rule 1, new percentages for the producing countries shall be determined in direct proportion to the production of tin in each of them during the four quarters referred to in Rule 1.

Rule 6. In subsequent redeterminations, made under Rule 2, the new percentages shall be calculated as follows:

(i) the percentages in the second redetermination shall be in direct proportion to the production of tin in each of the producing countries in the latest 24 months for which figures are available; and

(ii) the percentages in the third redetermination, and all later redeterminations, shall be in direct proportion to the production of tin in each of the producing countries in the latest 36 months for which figures are available.

Rule 7. In subsequent redeterminations, made under Rule 3, the new percentages shall be calculated as follows:

(i) the percentages in the first subsequent redetermination shall be in direct proportion to the sum of the production of tin in each of the producing countries in the latest 12 months for which figures are available and in the four quarters immediately preceding that control period; and

(ii) the percentages in the next following redeterminations, provided that no quarter shall have been declared to be a control period, shall be in direct proportion to the production of tin in each of the producing countries in the latest periods of 24 months and of 36 months respectively for which figures are available.

Rule 8. For the purposes of the foregoing rules, if any producing country has failed to make available to the Council its production figures

(Annex G, *contin.*)

for any period of 12 months within one month of the date by which four producing countries have made their figures available, the production of that country for such period of twelve months shall be calculated by multiplying by 12 the average monthly rate of production during the period as shown by such figures as are available and deducting 5 per cent from the amount so calculated.

Rule 9. Figures of the production of tin in any producing country for any period earlier than forty-two months before the date of any redetermination shall not be employed in that redetermination.

Rule 10. Notwithstanding the provisions of the foregoing rules, the Council may reduce the percentage of any producing country which has failed to export the whole of its permissible export amount as determined under paragraph 4 of Article 7 or any greater amount accepted by it under paragraph 7 of that Article. In considering its decision, the Council shall regard as mitigating circumstances that the producing country concerned surrendered under paragraph 7 or Article 7 a part of its permissible export amount in time for effective steps to be taken by the other producing countries to make good the deficit or that the producing country concerned which has failed to export the amount determined under paragraph 8 of Article 7 has exported the whole of its permissible export amount as determined under paragraph 4 or paragraph 7 of Article 7.

Rule 11. If a reduction in the percentage of any producing country is made in accordance with Rule 10, the percentage so made available shall be distributed among the other producing countries in proportion to their percentages current at the date of the decision to make the reduction.

Rule 12. If, by the application of the foregoing rules, the percentage of a producing country is reduced to less than the minimum figure permitted by the operation of the proviso to sub-paragraph (a) of paragraph 6 of Article 7, then the percentage of that country shall be restored to such minimum figure and the percentages of the other producing countries shall be proportionately reduced so that the total of the percentages is restored to one hundred.

Rule 13. In any action which it may propose to take under these rules, the Council shall give due consideration to any circumstances stated by any producing country as being exceptional and may by a two-thirds distributed majority waive or modify the full application of these rules. The following circumstances *inter alia* may be regarded as exceptional: a national disaster, a major strike which has paralysed the tin mining industry for a substantial period, a major breakdown of power supplies or (in the case of Bolivia) of the main line of transport to the coast.

INTERNATIONAL UNION FOR THE PROTECTION OF INDUSTRIAL PROPERTY

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This organization was established by the original Convention dealing with the subject, which was signed at Paris in 1883. It has been continued in each succeeding or amending Convention. The latest Convention was drawn up at Lisbon on October 31, 1958.

An unofficial congress on patent reform had been held in 1873 in connection with the Vienna Exposition. Five years later another international congress, held under the auspices of the French Ministry of Commerce at the Paris Exposition, was attended by a few official representatives. It created a Permanent International Commission which drafted and submitted to governments a Convention for the protection of industrial property. The form of the proposed Convention was agreed upon at a Conference held at Paris in 1880. It was formally signed by eleven governments at another Paris conference in 1883. Revisions and amendments of this Convention were made at conferences in 1886, 1891 and 1900. Repeated efforts were made to reach an agreement which would reconcile the differences in national laws. In further effort to achieve this purpose, entirely new and superseding conventions were adopted in 1911, 1925, 1934 and 1958. The members who make up the present full membership of the Union are not all bound by the same text.

The 1958 Convention enters into force when six countries have ratified it or, for those countries which have ratified, on June 1, 1963.¹ It remains in force for an indefinite period.²

FUNCTIONS AND POWERS OF THE ORGANIZATION

The general object of the Union is the protection of industrial property

¹ Convention, Art. 18.

² Id., Art. 17.

rights. Industrial property is defined to include "patents, utility models, industrial designs, trade-marks, service marks, trade names and indications of source or appellations of origin."¹ The principle of the convention is that the nationals of each of the members enjoy, in the territories of each of the other members of the Union, the same rights and advantages as such other members grant to their own nationals.² In addition, there are special rights and advantages recognized, defined, and delimited by the convention. These special rights and advantages include the right of priority, abolition of forfeiture for importation of patented articles, restriction of the obligation to work the patent, etc.³

The International Bureau centralizes and distributes information, studies matters of common interest to the members of the Union, prepares and publishes annual reports, and issues a periodical dealing with matters in connection with the protection of industrial property rights.⁴ The Bureau also assists in the preparation and reporting of the periodical conferences which revise the convention.

ORGANS

The organs are:

(1) A General Conference from time to time which proposes amendments to the Convention.⁵

(2) A Conference, known as a Consultative Committee, composed of representatives of all members, which meets every three years.⁶

(3) The International Bureau which "is placed under the high authority of the government of the Swiss Confederation".⁷

MEMBERSHIP

The members are Australia (Papua, New Guinea, Isles of Norfolk and Nauru), Austria, Belgium, Brazil, Bulgaria, Canada, Ceylon, Cuba, Czechoslovakia, Denmark and Faroe Islands, Dominican Republic, Finland, France (Algeria and overseas departments), Germany, Greece, Haiti, Hungary, Indonesia, Iran, Ireland, Israel, Italy, Japan, Lebanon, Liechtenstein, Luxembourg, Mexico, Monaco, Morocco, Netherlands (New Guinea, Netherlands Antilles, Surinam), New Zealand (W. Samoa), Norway, Poland, Portugal (Azores and Madeira), Rhodesia and Nyasaland, Roumania, San Marino, Spain and colonies, Sweden, Switzerland, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom (Tanganyika, Trinidad, Tobago, Singapore), United States, Vatican City, Vietnam, and Yugoslavia.

¹ Id., Art. 1.

² Id., Art. 2.

³ Id., Arts. 4-12.

⁴ Id., Art. 13.

⁵ Id., Art. 14(1).

⁶ Id., Art. 14(5).

⁷ Id., Art. 13.

MEANS OF FINANCIAL SUPPORT

The expenses of the organization are shared by members in accordance with a scale of six classes, each of which is required to contribute a prescribed number of units, ranging from 3 to 25. Countries have the option to declare in which class they desire to be placed.¹

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

Working Agreements exist with the Council of Europe, WHO, UNESCO, GATT, OAS, the International Wine Office and the International Patents Office. It shares with the International Union for the Protection of Literary and Artistic Works the same Director and Secretariat with the title "Bureaux Internationaux Réunis".

HEADQUARTERS

Its headquarters are at 32 Chemin des Colombettes (Place des Nations), Geneva.

¹ Id., Art. 13.

CONVENTION OF PARIS¹

FOR THE PROTECTION OF INDUSTRIAL PROPERTY

March 20, 1883

Revised at Brussels on 14th December, 1900, at Washington on 2nd June, 1911, at The Hague on 6th November, 1925, at London on 2nd June, 1934, and at Lisbon on 31st October, 1958.

Art. 1. (1) The countries to which the present Convention applies constitute themselves into a Union for the protection of industrial property.

(2) The protection of industrial property is concerned with patents, utility models, industrial designs, trademarks, service marks, trade names, and indications of source or appellations of origin, and the repression of unfair competition.

(3) Industrial property shall be understood in the broadest sense and shall apply not only to industry and commerce proper, but likewise to agricultural and extractive industries and to all manufactured or natural products; for example, wines, grain, tobacco leaf, fruit, cattle, minerals, mineral waters, beer, flowers and flour.

(4) The term "patents" shall include the various kinds of industrial patents recognized by the laws of the countries of the Union, such as patents of importation, patents of improvement, patents and certificates of addition, etc.

Art. 2. (1) Nationals of each of the countries of the Union shall, as regards the protection of industrial property, enjoy in all the other countries of the Union the advantages that their respective laws now grant, or may hereafter grant, to nationals, without prejudice to the rights specially provided by the present Convention. Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the conditions and formalities imposed upon nationals.

(2) However, no condition as to the possession of a domicile or establishment in the country where protection is claimed may be required of persons entitled to the benefits of the Union for the enjoyment of any industrial property rights.

(3) The provisions of the laws of each of the countries of the Union relating to judicial and administrative procedure and to jurisdiction, and to the election of domicile or the designation of an agent, which may be required by the laws on industrial property, are expressly reserved.

Art. 3. Nationals of countries not forming part of the Union, who are domiciled or who have real and effective industrial or commercial establishments in the territory of one of the countries of the Union, are treated in the same manner as nationals of the countries of the Union.

¹ Published and supplied by the Bureaux Internationaux Réunis.

Art. 4. A. (1) A person who has duly filed an application for a patent, or for the registration of a utility model, or of an industrial design, or of a trademark, in one of the countries of the Union, or his successors in title, shall enjoy, for the purpose of filing in the other countries, a right of priority during the periods hereinafter stated.

(2) Every filing that is equivalent to a regular national filing under domestic law of any country of the Union or under bilateral or multilateral treaties concluded between countries of the Union shall be recognized as giving rise to a right of priority.

(3) By a regular national filing is meant any filing that is adequate to establish the date on which the application was filed in the country concerned, whatever may be the outcome of the application.

B. Consequently, the subsequent filing in any of the other countries of the Union before the expiration of those periods shall not be invalidated through any acts accomplished in the interval, as, for instance, by another filing, by publication or exploitation of the invention, by the putting on sale of copies of the design or model, or by use of the mark, and these acts cannot give rise to any right of third parties, or of any personal possession. Rights acquired by third parties before the date of the first application which serves as the basis for the right of priority are reserved under the domestic legislation of each country of the Union.

C. (1) The above-mentioned periods of priority shall be twelve months for patents and utility models, and six months for industrial designs and for trademarks.

(2) These periods shall start from the date of filing of the first application: the day of filing shall not be included in the period.

(3) If the last day of the period is an official holiday, or a day when the Office is not open for the filing of applications in the country where protection is claimed, the period shall be extended until the first following working day.

(4) A subsequent application for the same subject as a previous first application within the meaning of paragraph (2) above and filed in the same country of the Union, shall be considered as the first application, of which the filing date shall be the starting point of the period of priority, provided that, at the time of filing the subsequent application, the previous application has been withdrawn, abandoned or refused, without being open to public inspection and without leaving any rights outstanding, and has not served as a basis for claiming a right of priority. The previous application may not thereafter serve as a basis for claiming a right of priority.

D. (1) Any person desiring to take advantage of the priority of a previous filing shall be required to make a declaration indicating the date of such filing and the country in which it was made. Each country will determine the latest permissible date for making such declaration.

(2) These particulars shall be mentioned in the publications issued by the competent authority, and in particular in the patents and the specifications relating thereto.

(3) The countries of the Union may require any person making a

(*Art. 4, contin.*)

declaration of priority to produce a copy of the application (specification, drawings, etc.) previously filed. The copy, certified as correct by the authority which received the application, shall not require any authentication, and may in any case be filed, without fee, at any time within three months of the filing of the subsequent application. They may require it to be accompanied by a certificate from the same authority showing the date of filing, and by a translation.

(4) No other formalities may be required for the declaration of priority at the time of filing the application. Each of the countries of the Union shall decide what consequences shall follow the omission of the formalities prescribed by the present Article, but such consequences shall in no case go beyond the loss of the right of priority.

(5) Subsequently, further proof may be required.

A person who avails himself of the priority of a previously filed application shall be required to specify the number of that application, which shall be published under the conditions provided for by paragraph (2) above.

E. (1) Where an industrial design is filed in a country by virtue of a right of priority based on the filing of a utility model, the period of priority shall be only that fixed for industrial designs.

(2) Furthermore, it is permissible to file a utility model in a country by virtue of a right of priority based on the filing of a patent application, and vice versa.

F. No country of the Union may refuse a priority or a patent application on the ground that the applicant claims multiple priorities, even originating in different countries, or on the ground that an application claiming one or more priorities contains one or more elements that were not included in the original application or applications whose priority is claimed, provided that, in both cases, there is unity of invention within the meaning of the law of the country.

With respect to the elements not included in the original application or applications whose priority is claimed, the filing of the later application shall give rise to a right of priority under the usual conditions.

G. (1) If examination reveals that an application for a patent contains more than one invention, the applicant may divide the application into a certain number of divisional applications and preserve as the date of each the date of the initial application and the benefit of the right of priority, if any.

(2) The applicant may also, on his own initiative, divide a patent application and preserve as the date of each divisional application the date of the initial application and the benefit of the right of priority, if any. Each country of the Union shall have the right to determine the conditions under which such division shall be authorized.

H. Priority may not be refused on the ground that certain elements of the invention for which priority is claimed do not appear among the claims formulated in the application in the country of origin, provided that the application documents as a whole specifically disclose such elements.

Art. 4^{bis}. (1) Patents applied for in the various countries of the Union by persons entitled to the benefits of the Union shall be independent of patents obtained for the same invention in other countries, whether members of the Union or not.

(2) This provision is to be understood in an unrestricted sense, in particular, in the sense that patents applied for during the period of priority are independent, both as regards the grounds for invalidation and for forfeiture and as regards their normal duration.

(3) The provision shall apply to all patents existing at the time when it comes into effect.

(4) Similarly, it shall apply, in the case of the accession of new countries, to patents in existence on either side at the time of accession.

(5) Patents obtained with the benefit of priority shall have in the various countries of the Union a duration equal to that which they would have had if they had been applied for or granted without the benefit of priority.

Art. 4^{ter}. The inventor shall have the right to be mentioned as such in the patent.

Art. 4^{quater}. The grant of a patent shall not be refused and a patent shall not be invalidated on the ground that the sale of the patented product or of a product obtained by means of the patented process is subject to restrictions or limitations resulting from the domestic law.

Art. 5. A. (1) The importation by the patentee into the country where the patent has been granted of articles manufactured in any of the countries of the Union shall not entail forfeiture of the patent.

(2) Each country of the Union shall have the right to take legislative measures providing for the grant of compulsory licenses to prevent the abuses which might result from the exclusive rights conferred by the patent, for example, failure to work.

(3) Forfeiture of the patent shall not be prescribed except in cases where the grant of compulsory licenses would not have been sufficient to prevent such abuses. No proceeding for the forfeiture or revocation of a patent may be instituted before the expiration of two years from the grant of the first compulsory license.

(4) An application for a compulsory license may not be made on the ground of failure to work or insufficient working before the expiration of a period of four years from the date of filing of the patent application or three years from the date of the grant of the patent, whichever period last expires; it shall be refused if the patentee justifies his inaction by legitimate reasons. Such a compulsory license shall be non-exclusive and shall not be transferable, even in the form of the grant of a sub-license, except with that part of the enterprise or goodwill using such license.

(5) The foregoing provisions shall be applicable, *mutatis mutandis*, to utility models.

B. The protection of industrial designs shall not, under any circumstance, be liable to any forfeiture either by reason of failure to work or by reason of the importation of articles corresponding to those which are protected.

(*Art. 5, contin.*)

C. (1) If, in any country, the use of a registered trademark is compulsory, the registration shall not be cancelled until after a reasonable period, and then only if the person concerned cannot justify his inaction.

(2) The use of a trademark by the proprietor in a form differing in elements which do not alter the distinctive character of the mark in the form in which it was registered in one of the countries of the Union, shall not entail invalidation of the registration and shall not diminish the protection granted to the mark.

(3) The concurrent use of the same mark on identical or similar goods by industrial or commercial establishments considered as co-proprietors of the mark according to the provisions of the national law of the country where protection is claimed, shall not prevent the registration or diminish in any way the protection granted to the mark in any country of the Union, provided the use does not result in misleading the public and is not contrary to the public interest.

D. No indication or mention of the patent, of the utility model, of the registration of the trademark, or of the deposit of the industrial design shall be required upon the product as a condition of recognition of the right to protection.

Art. 5^{bis}. (1) A period of grace of not less than six months shall be allowed for the payment of the prescribed fees for the maintenance of industrial property rights, subject to the payment of a surcharge, if the domestic law so provides.

(2) The countries of the Union shall have the right to provide for the restoration of patents which have lapsed by reason of non-payment of fees.

Art. 5^{ter}. In each of the countries of the Union the following shall not be considered as infringements of the rights of a patentee:

1. the use on board vessels of other countries of the Union of devices forming the subject of his patent in the body of the vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters of a country, provided that such devices are used there exclusively for the needs of the vessel;

2. the use of devices forming the subject of the patent in the construction or operation of aircraft or land vehicles of other countries of the Union, or of accessories to such aircraft or land vehicles, when those aircraft or land vehicles temporarily or accidentally enter the country.

Art. 5^{quater}. When a product is imported into a country of the Union where there exists a patent protecting a process of manufacture of the said product, the patentee shall have all the rights, with regard to the imported product, as are accorded to him by the domestic law of the country of importation, on the basis of the process patent, with respect to products manufactured in that country.

Art. 5^{quinquies}. Industrial designs shall be protected in all the countries of the Union.

Art. 6. (1) The conditions for the filing and registration of trademarks shall be determined in each country of the Union by its domestic law.

(2) However, an application for the registration of a trademark filed by

(*Art. 6, contin.*)

a national of a country of the Union in any country of the Union may not be refused nor may a registration be cancelled on the ground that filing, registration or renewal has not been effected in the country of origin.

(3) A mark duly registered in a country of the Union shall be regarded as independent of marks registered in the other countries of the Union, including the country of origin.

Art. 6^{bis}. (1) The countries of the Union undertake, either administratively if their legislation so permits, or at the request of an interested party, to refuse or to cancel the registration and to prohibit the use of a trademark which constitutes a reproduction, imitation or translation, liable to create confusion, of a mark considered by the competent authority of the country of registration or use to be well-known in that country as being already the mark of a person entitled to the benefits of the present Convention and used for identical or similar goods. These provisions shall also apply when the essential part of the mark constitutes a reproduction of any such well-known mark or an imitation liable to create confusion therewith.

(2) A period of at least five years from the date of registration shall be allowed for seeking the cancellation of such a mark. The countries of the Union may provide for a period within which the prohibition of use must be sought.

(3) No time limit shall be fixed for seeking the cancellation or the prohibition of the use of marks registered or used in bad faith.

Art. 6^{ter}. (1) (a) The countries of the Union agree to refuse or to invalidate the registration, and to prohibit by appropriate measures the use, without authorization by the competent authorities, either as trademarks or as elements of trademarks, of armorial bearings, flags and other State emblems of the countries of the Union, official signs and hall-marks indicating control and warranty adopted by them and all imitations thereof from a heraldic point of view.

(b) The provisions of sub-paragraph (a) above apply equally to armorial bearings, flags and other emblems, abbreviations or titles of international intergovernmental organizations of which one or more countries of the Union are members, with the exception of armorial bearings, flags and other emblems, abbreviations or titles that are already the subject of existing international agreements intended to ensure their protection.

(c) No country of the Union shall be required to apply the provisions of sub-paragraph (b) above to the prejudice of the owners of rights acquired in good faith before the entry into force, in that country, of the present Convention. The countries of the Union shall not be required to apply the said provisions when the use or registration covered by sub-paragraph (a) above is not of such a nature as to suggest to the public that a connection exists between the organization concerned and the armorial bearings, flags, emblems, abbreviations or titles, or if such use or registration is clearly not of a nature to mislead the public as to the existence of a connection between the user and the organization.

(2) The prohibition of the use of official signs and hall-marks indicating

(*Art. 6ter, contin.*)

control warranty shall apply solely in cases where the marks which contain them are intended to be used on goods of the same or a similar kind.

(3) (a) For the application of these provisions the countries of the Union agree to communicate reciprocally, through the International Bureau, the list of state emblems and official signs and hall-marks indicating control and warranty which they desire, or may thereafter desire, to place wholly or within certain limits under the protection of the present Article and all subsequent modifications of this list. Each country of the Union shall in due course make available to the public the lists so communicated.

Nevertheless, this communication is not obligatory so far as the flags of States are concerned.

(b) The provisions of sub-paragraph (b) of paragraph (1) of this Article shall only apply to armorial bearings, flags and other emblems, abbreviations or titles of international intergovernmental organizations that the latter have communicated to the countries of the Union through the International Bureau.

(4) Any country of the Union may, within a period of twelve months from the receipt of the communication, transmit through the International Bureau its objections, if any, to the country or international intergovernmental organization concerned.

(5) In the case of State flags, the measures prescribed by paragraph (1) above shall apply solely to marks registered after 6th November, 1925.

(6) In the case of State emblems other than flags, and of official signs and hall-marks of the countries of the Union and in the case of armorial bearings, flags and other emblems, abbreviations or titles of international intergovernmental organizations, these provisions shall be applicable only to marks registered more than two months after the receipt of the communication provided for in paragraph (3) above.

(7) In cases of bad faith the countries shall have the right to cancel the registration of marks that contain State emblems, signs or hall-marks even though registered before 6th November, 1925.

(8) Nationals of each country who are authorized to make use of State emblems, signs or hall-marks of their country, may use them even though they are similar to those of another country.

(9) The countries of the Union undertake to prohibit the unauthorized use in trade of the State armorial bearings of the other countries of the Union, when the use is of such a nature as to be misleading as to the origin of the goods.

(10) The above provisions shall not prevent the countries from exercising the power given in paragraph (3) of Article 6^{quinqüies} B, to refuse or to cancel the registration of marks containing, without authorization, the armorial bearings, flags and other State emblems or official signs or hall-marks adopted by a country of the Union as well as the distinctive signs of international intergovernmental organizations mentioned in paragraph (1) of this Article.

Art. 6quater. (1) When, in accordance with the law of a country of the

Union, the assignment of a mark is valid only if it takes place at the same time as the transfer of the business or goodwill to which the mark belongs, it shall suffice for the recognition of this validity that the portion of the business or goodwill situated in that country be transferred to the assignee, together with the exclusive right to manufacture or sell there the goods bearing the mark assigned.

(2) This provision does not impose upon the countries of the Union any obligation to regard as valid the assignment of any mark the use of which by the assignee would, in fact, be of such a nature as to mislead the public, particularly as regards the origin, nature or material qualities of the goods to which the mark is applied.

Art. 6quinquies. A. (1) Every trademark duly registered in the country of origin shall be accepted for filing and protected in its original form in the other countries of the Union, subject to the reservations indicated in the present Article. These countries may, before proceeding to final registration, require the production of a certificate of registration in the country of origin, issued by the competent authority. No authentication shall be required for this certificate.

(2) The country of the Union where the applicant has a real and effective industrial or commercial establishment, or, if he has not such an establishment within the Union, the Union country where he has his domicile, or if he has no domicile in the Union, the country of his nationality if he is a national of a Union country, shall be considered his country of origin.

B. Trademarks under the present Article may not be denied registration or invalidated except in the following cases:

1. when they are of such a nature as to infringe rights acquired by third parties in the country where protection is claimed;

2. when they are devoid of any distinctive character, or consist exclusively of signs or indications which may serve in trade to designate the kind, quality, quantity, intended purpose, value, place of origin of the goods or time of production, or have become customary in the current language or in the bona fide and established practices of the trade of the country where protection is claimed;

3. when they are contrary to morality or public order and, in particular, of such a nature as to deceive the public. It is understood that a mark may not be considered contrary to public order for the sole reason that it does not conform to a provision of the law relating to trademarks, except where such provision itself relates to public order.

The above is, however, subject to Article 10^{bis}.

C. (1) To determine whether a mark is eligible for protection, all the factual circumstances must be taken into consideration, particularly the length of time the mark has been in use.

(2) Trademarks shall not be refused in the other countries of the Union for the sole reason that they differ from the marks protected in the country of origin only by elements that do not alter the distinctive character and do not affect the identity of the marks in the form in which these have been registered in the said country of origin.

D. No person may benefit from the provisions of the present Article if the mark for which he claims protection is not registered in the country of origin.

E. However, in no case shall the renewal of the registration of a mark in the country of origin involve the obligation to renew the registration in the other Union countries where the mark has been registered.

F. The benefit of priority shall be accorded to applications for the registration of marks filed within the period fixed by Article 4, even when registration in the country of origin does not occur until after the expiration of such period.

Art. 6^{sexies}. The countries of the Union undertake to protect service marks. They shall not be required to provide for the registration of such marks.

Art. 6^{septies}. (1) If the agent or representative of the person who is the proprietor of a mark in one of the countries of the Union applies, without such proprietor's authorization, for the registration of the mark in his own name in one or more Union countries, the proprietor shall be entitled to oppose the registration applied for or demand its cancellation or, if the law of the country so allows, the assignment in his favour of the said registration, unless such agent or representative justifies his action.

(2) The proprietor of the mark shall, subject to the reservations of paragraph (1) above, be entitled to oppose the use of his mark by his agent or representative if he has not authorized such use.

(3) Domestic laws may provide an equitable time limit within which the proprietor of a mark must assert the rights provided for in the present Article.

Art. 7. The nature of the goods to which the trademark is to be applied shall in no case form an obstacle to the registration of the mark.

Art. 7^{bis}. (1) The countries of the Union undertake to accept for filing and to protect collective marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if such associations do not possess an industrial or commercial establishment.

(2) Each country shall be the judge of the particular conditions under which a collective mark shall be protected and may refuse protection if the mark is contrary to the public interest.

(3) Nevertheless, the protection of these marks shall not be refused to any association the existence of which is not contrary to the law of the country of origin, on the ground that such association is not established in the country where protection is sought or is not constituted according to the law of the latter country.

Art. 8. A trade name shall be protected in all the countries of the Union without the obligation of filing or registration, whether or not it forms part of a trademark.

Art. 9. (1) All goods unlawfully bearing a trademark or trade name shall be seized on importation into those countries of the Union where such mark or name has a right to legal protection.

(2) Seizure shall likewise be effected in the country where the unlawful

(*Art. 9, contin.*)

application occurred or in the country into which the goods have been imported.

(3) Seizure shall take place at the request either of the public prosecutor or of any other competent authority or of any interested party, whether a natural or a juridical person, in conformity with the domestic law of each country.

(4) The authorities shall not be bound to effect seizure in transit.

(5) If the law of a country does not permit seizure on importation, such seizure shall be replaced by prohibition of importation or by seizure within such country.

(6) If the law of a country permits neither seizure on importation nor prohibition of importation nor seizure within the country, then, until such time as the law is modified accordingly, these measures shall be replaced by the actions and remedies available in such cases to nationals under the law of such country.

Art. 10. (1) The provisions of the preceding Article shall apply in cases of direct or indirect use of a false indication of the source of the product or the identity of the producer, manufacturer or trader.

(2) Any producer, manufacturer or trader, whether a natural or juridical person, engaged in the production or manufacture of or trade in such goods and established either in the locality falsely indicated as the source or in the district where this locality is situated, or in the country falsely indicated, or in the country where the false indication of source is used, shall in any case be deemed an interested party.

Art. 10^{bis}. (1) The countries of the Union are bound to assure to persons entitled to the benefits of the Union effective protection against unfair competition.

(2) Any act of competition contrary to honest practices in industrial or commercial matters constitutes an act of unfair competition.

(3) The following in particular shall be prohibited:

1. all acts of such a nature as to create confusion by any means whatever with the establishment, the goods, or the industrial or commercial activities of a competitor;

2. false allegations in the course of trade of such a nature as to discredit the establishment, the goods, or the industrial or commercial activities of a competitor;

3. indications or allegations the use of which in the course of trade is liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose or the quantity of the goods.

Art. 10^{ter}. (1) The countries of the Union undertake to assure to nationals of the other countries of the Union appropriate legal remedies to repress effectively all the acts referred to in Articles 9, 10 and 10^{bis}.

(2) They undertake, further, to provide measures to permit syndicates and associations which represent the industrialists, producers or traders concerned and the existence of which is not contrary to the laws of their countries, to take action in the Courts or before the administrative authorities, with a view to the repression of the acts referred to in Articles

(*Art. 10ter, contin.*)

9, 10 and 10^{bis}, in so far as the law of the country in which protection is claimed allows such action by the syndicates and associations of that country.

Art. 11. (1) The countries of the Union shall in conformity with their domestic law, grant temporary protection to patentable inventions, utility models, industrial designs and trademarks, in respect of goods exhibited at official or officially recognized international exhibitions held in the territory of one of them.

(2) This temporary protection shall not extend the periods provided by Article 4. If later the right of priority is invoked, each country may provide that the period shall start from the date of introduction of the goods into the exhibition.

(3) Each country may require, as proof of the identity of the article exhibited and of the date of its introduction, such evidence as it considers necessary.

Art. 12. (1) Each of the countries of the Union undertakes to establish a special industrial property service and a central office for the communication to the public of patents, utility models, industrial designs and trademarks.

(2) This service shall publish an official periodical journal. It shall publish regularly:

(a) the names of the proprietors of patents granted, with a brief description of the inventions patented;

(b) reproductions of trademarks registered.

Art. 13. (1) The international office established under the name International Bureau for the Protection of Industrial Property is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its operation.

(2) (a) The French and English languages shall be used by the International Bureau in performing the tasks provided for in paragraphs (3) and (5) of this Article.

(b) The conferences and meetings referred to in Article 14 shall be held in the French, English and Spanish languages.

(3) The International Bureau centralizes information of every kind relating to the protection of industrial property and compiles and publishes it. It undertakes studies of general utility concerning the Union and edits, with the help of documents supplied to it by the various Administrations, a periodical journal dealing with questions relating to the objects of the Union.

(4) The issues of this journal, as well as all the documents published by the International Bureau, shall be distributed to the Administrations of the countries of the Union in proportion to the number of contributing units mentioned below. Additional copies as may be requested, either by the said Administrations or by companies or private persons, shall be paid for separately.

(5) The International Bureau shall at all times hold itself at the disposition of the countries of the Union, to supply them with any special

(*Art. 13, contin.*)

information they may need on questions relating to the international industrial property service. The Director of the International Bureau shall make an annual report on his administration, which shall be communicated to all the countries of the Union.

(6) The ordinary expenditure of the International Bureau shall be borne by the countries of the Union in common. Until further authorization, it shall not exceed the sum of 120,000 Swiss francs *per annum*. This sum may be increased, when necessary, by a unanimous decision of one of the conferences provided for in Article 14.

(7) Ordinary expenditure does not include expenses relating to the work of conferences of plenipotentiaries or administrative conferences nor the expenses caused by special work or publications effected in conformity with the decisions of a conference. Such expenses, the annual total of which may not exceed 20,000 Swiss francs, shall be divided among the countries of the Union in proportion to their contributions towards the operation of the International Bureau in accordance with the provisions of paragraph (8) below.

(8) To determine the contribution of each country to this total expenditure, the countries of the Union and those which may afterwards join the Union are divided into six classes, each contributing in the proportion of a certain number of units, namely:

First class	25 units
Second class	20 units
Third class	15 units
Fourth class	10 units
Fifth class	5 units
Sixth class	3 units

These coefficients are multiplied by the number of countries in each class, and the sum of the products thus obtained gives the number of units by which the total expenditure is to be divided. The quotient gives the amount of the unit of expense.

(9) Each of the countries of the Union shall, at the time it becomes a member, designate the class in which it wishes to be placed. However, any country of the Union may declare later that it desires to be placed in another class.

(10) The Government of the Swiss Confederation will supervise the expenditure of the International Bureau and its accounts, and will make the necessary advances.

(11) The annual account rendered by the International Bureau shall be communicated to all the other Administrations.

Art. 14. (1) The present Convention shall be submitted to periodical revision with a view to the introduction of amendments designed to improve the system of the Union.

(2) For this purpose conferences shall be held successively in one of the countries of the Union between the delegates of the said countries.

(3) The Administration of the country in which the conference is to be held shall make preparations for the work of the conference, with the assistance of the International Bureau.

(*Art. 14, contin.*)

(4) The Director of the International Bureau shall be present at the meetings of the conferences, and take part in the discussions, but without the right of voting.

(5) (a) During the interval between the Diplomatic Conferences of revision, Conferences of representatives of all the countries of the Union shall meet every three years in order to draw up a report on the foreseeable expenditure of the International Bureau for each three-year period to come and to consider questions relating to the protection and development of the Union.

(b) Furthermore, they may modify, by unanimous decision, the maximum annual amount of the expenditure of the International Bureau, provided they meet as Conferences of Plenipotentiaries of all the countries of the Union, convened by the Government of the Swiss Confederation.

(c) Moreover, the Conferences provided for in paragraph (a) above may be convened between their triennial meetings by either the Director of the International Bureau or the Government of the Swiss Confederation.

Art. 15. It is understood that the countries of the Union reserve the right to make separately between themselves special arrangements for the protection of industrial property, in so far as these arrangements do not contravene the provisions of the present Convention.

Art. 16. (1) Countries which are not parties to the present Convention shall be permitted to accede to it at their request.

(2) Any such accession shall be notified through diplomatic channels to the Government of the Swiss Confederation, and by it to all the other Governments.

(3) Accession shall automatically entail acceptance of all the clauses and admission to all the advantages of the present Convention and shall take effect one month after the dispatch of the notification by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date is indicated in the request for accession.

Art. 16^{bis}. (1) Any country of the Union may at any time notify in writing the Government of the Swiss Confederation that the present Convention is applicable to all or part of its colonies, protectorates, territories under mandate or any other territories subject to its authority, or any territories under its sovereignty, and the Convention shall apply to all the territories named in the notification one month after the dispatch of the communication by the Government of the Swiss Confederation to the other countries of the Union unless a subsequent date is indicated in the notification. Failing such a notification, the Convention shall not apply to such territories.

(2) Any country of the Union may at any time notify in writing the Government of the Swiss Confederation that the present Convention ceases to be applicable to all or part of the territories that were the subject of the notification under the preceding paragraph, and the Convention shall cease to apply in the territories named in the notification twelve months after the receipt of the notification addressed to the Government of the Swiss Confederation.

(*Art. 16, contin.*)

(3) All notifications sent to the Government of the Swiss Confederation in accordance with the provisions of paragraphs (1) and (2) of the present Article shall be communicated by that Government to all the countries of the Union.

Art. 17. Every country party to this Convention undertakes to adopt, in accordance with its constitution, the measures necessary to ensure the application of this Convention.

It is understood that at the time an instrument of ratification or accession is deposited on behalf of a country, such country will be in a position under its domestic law to give effect to the provisions of this Convention.

Art. 17^{bis}. (1) The Convention shall remain in force for an indefinite time, until the expiration of one year from the date of its denunciation.

(2) Such denunciation shall be addressed to the Government of the Swiss Confederation. It shall affect only the country in whose name it is made, the Convention remaining in operation as regards the other countries of the Union.

Art. 18. (1) The present Act shall be ratified and the instruments of ratification deposited in Berne not later than 1st May, 1963. It shall come into force, between the countries in whose names it has been ratified, one month after that date. However, if before that date it is ratified in the name of at least six countries, it shall come into force between those countries one month after the deposit of the sixth ratification has been notified to them by the Government of the Swiss Confederation, and for countries in whose names it is ratified at a later date, one month after the notification of each such ratification.

(2) Countries in whose names no instrument of ratification has been deposited within the period referred to in the preceding paragraph shall be permitted to accede under the terms of Article 16.

(3) The present Act shall, as regards the relations between the countries to which it applies, replace the Convention of Paris of 1883 and the subsequent acts of revision.

(4) As regards the countries to which the present Act does not apply, but to which the Convention of Paris revised at London in 1934 applies, the latter shall remain in force.

(5) Similarly, as regards countries to which neither the present Act nor the Convention of Paris revised at London apply, the Convention of Paris revised at The Hague in 1925 shall remain in force.

(6) Similarly, as regards countries to which neither the present Act nor the Convention of Paris revised at London, nor the Convention of Paris revised at The Hague apply, the Convention of Paris revised at Washington in 1911 shall remain in force.

Art. 19. (1) The present Act shall be signed in a single copy in the French language, which shall be deposited in the archives of the Government of the Swiss Confederation. A certified copy shall be forwarded by the latter to each of the Governments of the countries of the Union.

(Art. 19, contin.)

(2) The present Act shall remain open for signature by the countries of the Union until 30th April, 1959.

(3) Official translations of the present Act shall be established in the English, German, Italian, Portuguese and Spanish languages.

In witness whereof the undersigned Plenipotentiaries, after presenting their full powers, have signed the present Act.

Done at Lisbon on 31st October, 1958.

INTERNATIONAL UNION FOR THE PROTECTION OF LITERARY AND ARTISTIC WORKS

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This organization was established by the Berne Convention for the Protection of Literary and Artistic Works which was signed on September 9, 1886. The Convention was "completed" at Paris on May 4, 1896, revised at Berlin on November 13, 1908, "completed" at Berne on March 20, 1914, revised at Rome on June 2, 1928, and revised at Brussels on June 26, 1948.

The latter Convention was subject to ratification and entered into force on August 1, 1951. Until that date countries outside the Union were permitted to join it by acceding either to the Convention signed at Rome on June 22, 1928 or to the Convention of June 26, 1948. The members who make up the present full membership of the Union are not all bound by the same text but, since August 1, 1951 acceding countries may accede only to the 1948 Convention.¹

FUNCTIONS AND POWERS

The principle of the Convention is that authors who are nationals of any of the countries of the Union shall enjoy, in countries other than the country of origin of the work, the rights which are enjoyed by the nationals of such countries.² Various modifications of and supplements to such rights are provided.³ The International Office is empowered to collect information of every kind relating to the protection of the rights of authors over their literary and artistic works. It co-ordinates and publishes such information. It undertakes the study of questions of general interest to the Union and, by the aid of documents placed at its disposal by the

¹ Convention Art. 28.

² Id., Art. 4.

³ Id., Arts. 2-14.

different Administrations, it edits a periodical publication on the questions which concern the purpose of the Union.¹

Disputes among members are submitted to the International Court of Justice unless other methods are agreed upon.²

ORGANS

The organs are:

(1) A general Conference which meets from time to time to consider amendments to the Convention and other questions concerning the development of the Union.³

(2) A Permanent Committee composed of twelve members.

(3) The International Office which is "placed under the high authority of the Government of the Swiss Confederation."⁴

MEMBERSHIP

The members are Australia (territories of Papua, Isle of Norfolk, trust territories of New Guinea and Nauru), Austria, Belgium, Brazil, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France (with overseas territories), Germany, Greece, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Lebanon, Liechtenstein, Luxembourg, Monaco, Morocco, Netherlands (New Guinea, Surinam and Netherlands Antilles), New Zealand (and trust territory of West Samoa), Norway, Pakistan, Philippines, Poland, Portugal, Roumania, Spain (with colonies), Sweden, Switzerland, Syria Province (of the United Arab Republic), Thailand, Tunisia, Turkey, Union of South Africa (Southwest Africa under South African mandate), United Kingdom (colonies, trust territories and protectorates), Vatican City and Yugoslavia.

MEANS OF FINANCIAL SUPPORT

The expenses of the organization are shared by members in accordance with a scale of six classes, each of which is required to contribute a prescribed number of units, ranging from 3 to 25. Countries have the option to declare in which class they desire to be placed.⁵

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has Working Agreements with the Council of Europe, WHO, UNESCO (the Inter-governmental Copyright Committee with which the Permanent Committee of this Union usually now holds a joint annual meeting in order to facilitate co-operation), GATT, OAS, the Inter-

¹ *Id.*, Art. 22.

² *Id.*, Art. 27 bis.

³ *Id.*, Art. 24.

⁴ *Id.*, Art. 21.

⁵ *Id.*, Art. 23.

national Patents Office. It shares with the Union for the Protection of Industrial Property the same Director and Secretariat with the title "Bureaux Internationaux Réunis."

HEADQUARTERS

Its headquarters are at 32 Chemin des Colombettes (Place des Nations), Geneva.

BERNE CONVENTION for the PROTECTION OF LITERARY AND ARTISTIC WORKS¹

September 9, 1886

completed at Paris on the 4th May 1896, revised at Berlin on the 13th November 1908, completed at Berne on the 20th March 1914, revised at Rome on the 2nd June 1928, and revised at Brussels on the 26th June 1948.

Australia, Austria, Belgium, Brazil, Canada, Czechoslovakia, Denmark, Finland, France, Greece, Hungary, Iceland, India, Ireland, Italy, Lebanon, Liechtenstein, Luxembourg, Monaco, Morocco, New Zealand, the Netherlands, Norway, Pakistan, Poland, Portugal, Spain, Sweden, Switzerland, Syria, Tunis, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland, Vatican City, Yugoslavia.

Being equally animated by the desire to protect in as effective and uniform a manner as possible the rights of authors over their literary and artistic works,

Have resolved to revise and to complete the Act signed at Berne on the 9th September 1886, completed at Paris on the 4th May 1896, revised at Berlin on the 13th November 1908, completed at Berne on the 20th March 1914 and revised at Rome on the 2nd June 1928.

Consequently, the undersigned Plenipotentiaries, having presented their full powers, recognised as in good and due form, have agreed as follows:

Art. 1. The countries to which this Convention applies constitute a Union for the protection of the rights of authors over their literary and artistic works.

Art. 2. (1) The term "literary and artistic works" shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or dramatico-musical works; choreographic works and entertainments in dumb show, the acting form of which is fixed in writing or otherwise; musical compositions with or without words; cinematographic works and works produced by a process analogous to cinematography; works of drawing, painting, architecture, sculpture, engraving and lithography; photographic works and works produced by a process analogous to photography; works of applied art; illustrations, geographical charts, plans, sketches and plastic works relative to geography, topography, architecture or science.

¹ Published and supplied by the Bureaux Internationaux Réunis.

(2) Translations, adaptations, arrangements of music and other alterations of a literary or artistic work shall be protected as original works without prejudice to the rights of the author of the original work. It shall, however, be a matter for legislation in countries of the Union to determine the protection to be granted to translations of official texts of a legislative, administrative and legal nature.

(3) Collections of literary or artistic works such as encyclopaedias and anthologies which by reason of the selection and arrangement of their contents constitute intellectual creations shall be protected as such without prejudice to the rights of the authors in respect of each of the works forming part of such collections.

(4) The works mentioned in this Article shall enjoy protection in all countries of the Union. This protection shall operate for the benefit of the author and his legal representatives and assignees.

(5) It shall be a matter for legislation in the countries of the Union to determine the extent of the application of their laws to works of applied art and industrial designs and models, as well as the conditions under which such works, designs and models shall be protected. Works protected in the country of origin solely as designs and models shall be entitled in other countries of the Union only to such protection as shall be accorded to designs and models in such countries.

Art. 2bis. (1) It shall be a matter for legislation in countries of the Union to exclude wholly or in part from the protection afforded by the preceding Article political speeches and speeches delivered in the course of legal proceedings.

(2) It shall also be a matter for legislation in countries of the Union to determine the conditions under which lectures, addresses, sermons and other works of the same nature may be reproduced by the press.

(3) Nevertheless, the author alone shall have the right of making a collection of his works mentioned in the above paragraphs.

Art. 3. (omitted)

Art. 4. (1) Authors who are nationals of any of the countries of the Union shall enjoy in countries other than the country of origin of the work, for their works, whether unpublished or first published in a country of the Union, the rights which their respective laws do now or may hereafter grant to their nationals, as well as the rights specially granted by this Convention.

(2) The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work. Consequently, apart from the provisions of this Convention, the extent of protection, as well as the means of redress afforded to the author to protect his rights, shall be governed exclusively by the laws of the country where protection is claimed.

(3) The country of origin shall be considered to be, in the case of published works, the country of first publication, even in the case of works published simultaneously in several countries of the Union which grant the same term of protection; in the case of works published simultaneously

in several countries of the Union which grant different terms of protection, the country of which the legislation grants the shortest term of protection. In the case of works published simultaneously in a country outside the Union and in a country of the Union, the latter country shall be considered exclusively as the country of origin. A work shall be considered as having been published simultaneously in several countries which has been published in two or more countries within thirty days of its first publication.

(4) For the purposes of Articles 4, 5 and 6, "published works" shall be understood to be works copies of which have been issued and made available in sufficient quantities to the public, whatever may be the means of manufacture of the copies. The presentation of a dramatic, dramatico-musical or cinematographic work, the performance of a musical work, the public recitation of a literary work, the transmission or the radio-diffusion of literary or artistic works, the exhibition of a work of art and the construction of a work of architecture shall not constitute publication.

(5) The country of origin shall be considered to be, in the case of unpublished works, the country to which the author belongs. However, in the cases of works of architecture or of graphic and plastic works forming part of a building, the country of the Union where these works have been built or incorporated in a building shall be considered as the country of origin.

Art. 5. Authors who are nationals of one of the countries of the Union, and who first publish their works in another country of the Union, shall have in the latter country the same rights as native authors.

Art. 6. (1) Authors who are not nationals of one of the countries of the Union, and who first publish their works in one of those countries, shall enjoy in that country the same rights as native authors, and in the other countries of the Union the rights granted by this Convention.

(2) Nevertheless, where any country outside the Union fails to protect in an adequate manner the works of authors who are nationals of one of the countries of the Union, the latter country may restrict the protection given to the works of authors who are, at the date of the first publication thereof, nationals of the other country and are not effectively domiciled in one of the countries of the Union. If the country of first publication avails itself of this right, the other countries of the Union shall not be required to grant to works thus subjected to special treatment a wider protection than that granted to them in the country of first publication.

(3) No restrictions introduced by virtue of the preceding paragraph shall affect the rights which an author may have acquired in respect of a work published in a country of the Union before such restrictions were put into force.

(4) The countries of the Union which restrict the grant of copyright in accordance with this Article shall give notice thereof to the Government of the Swiss Confederation by a written declaration specifying the countries in regard to which protection is restricted, and the restrictions to which rights of authors who are nationals of those countries are subjected. The Government of the Swiss Confederation shall immediately communicate this declaration to all the countries of the Union.

Art. 6bis. (1) Independently of the author's copyright, and even after the transfer of the said copyright, the author shall have the right, during his lifetime, to claim authorship of the work and to object to any distortion, mutilation or other alteration thereof, or any other action in relation to the said work which would be prejudicial to his honour or reputation.

(2) Insofar as the legislation of the countries of the Union permits, the rights granted to the author in accordance with the preceding paragraph shall, after his death, be maintained, at least until the expiry of the copyright, and shall be exercisable by the persons or institutions authorized by the said legislation. The determination of the conditions under which the rights mentioned in this paragraphs shall be exercised shall be governed by the legislation of the countries of the Union.

(3) The means of redress for safeguarding the rights granted by this Article shall be governed by the legislation of the country where protection is claimed.

Art. 7. (1) The term of protection granted by this Convention shall be the life of the author and fifty years after his death.

(2) However, where one or more countries of the Union grant a term of protection in excess of that provided by paragraph 1, the term shall be governed by the law of the country where protection is claimed, but shall not exceed the term fixed in the country of origin of the work.

(3) In the case of cinematographic and photographic works, as well as works produced by a process analogous to cinematography or photography and in the case of works of applied art, the term of protection shall be governed by the law of the country where protection is claimed, but shall not exceed the term fixed in the country of origin of the work.

(4) In the case of anonymous and pseudonymous works, the term of protection shall be fixed at fifty years from the date of their publication. However, when the pseudonym adopted by the author leaves no doubt as to his identity, the term of protection shall be that provided in paragraph 1. If the author of an anonymous or pseudonymous work discloses his identity during the above-mentioned period, the term of protection applicable shall be that provided in paragraph 1.

(5) In the case of posthumous works which do not fall within the categories of works included in paragraphs 3 and 4 the term of the protection afforded to the heirs and the legal representatives and assignees of the author shall end at the expiry of fifty years after the death of the author.

(6) The term of protection subsequent to the death of the author and the terms provided by paragraphs 3, 4 and 5 shall run from the date of his death or of publication, but such terms shall always be deemed to begin on the 1st January of the year following the event which gives rise to them.

Art. 7bis. In the case of a work of joint authorship, the term of protection shall be calculated from the date of the death of the last surviving author.

Art. 8. Authors of literary and artistic works protected by this Convention shall have the exclusive rights of making and of authorizing the translation of their works throughout the term of protection of their rights in the original works.

Art. 9. (1) Serial novels, short stories, and all other works, whether literary, scientific or artistic, whatever their purpose, and which are published in the newspapers or periodicals of one of the countries of the Union shall not be reproduced in the other countries without the consent of the authors.

(2) Articles on current economic, political or religious topics may be reproduced by the press unless the reproduction thereof is expressly reserved; nevertheless, the source must always be clearly indicated. The legal consequences of the breach of this obligation shall be determined by the laws of the country where protection is claimed.

(3) The protection of this Convention shall not apply to news of the day nor to miscellaneous information having the character of mere items of news.

Art. 10. (1) It shall be permissible in all the countries of the Union to make short quotations from newspaper articles and periodicals, as well as to include them in press summaries.

(2) The right to include excerpts of literary or artistic works in educational or scientific publications, or in chrestomathies, in so far as this inclusion is justified by its purpose, shall be a matter for legislation in the countries of the Union, and for special arrangements existing or to be concluded between them.

(3) Quotations and excerpts shall be accompanied by an acknowledgment of the source and by the name of the author, if his name appears thereon.

Art. 10bis. It shall be a matter for legislation in countries of the Union to determine the conditions under which recording, reproduction, and public communication of short extracts from literary and artistic works may be made for the purpose of reporting current events by means of photography or cinematography or by radio-diffusion.

Art. 11. (1) The authors of dramatic, dramatico-musical or musical works shall enjoy the exclusive right of authorizing: i. the public presentation and public performance of their works; ii. the public distribution by any means of the presentation and performance of their works. The application of the provisions of Articles 11bis and 13 is, however, reserved.

(2) Authors of dramatic or dramatico-musical works, during the full term of their rights over the original works, shall enjoy the same rights with respect to translations thereof.

(3) In order to enjoy the protection of this Article, authors shall not be bound, when publishing their works, to forbid the public presentation or performance thereof.

Art. 11bis. (1) Authors of literary and artistic works shall have the exclusive right of authorizing: i. the radio-diffusion of their works or the communication thereof to the public by any other means of wireless diffusion of signs, sounds or images; ii. any communication to the public, whether over wires or not, of the radio-diffusion of the work, when this communication is made by a body other than the original one; iii. the communication to the public by loudspeaker or any other similar instrument transmitting, by signs, sounds or images, the radio-diffusion of the work.

(2) It shall be a matter for legislation in the countries of the Union to determine the conditions under which the rights mentioned in the preceding paragraph may be exercised, but these conditions shall apply only in the countries where they have been prescribed. They shall not in any circumstances be prejudicial to the moral right of the author, nor to his right to obtain just remuneration which, in the absence of agreement, shall be fixed by competent authority.

(3) Except where otherwise provided, permission granted in accordance with paragraph (1) of this Article shall not imply permission to record the radio-diffused work by means of instruments recording sounds or images. It shall, however, be a matter for legislation in the countries of the Union to determine the regulations for ephemeral recordings made by a broadcasting body by means of its own facilities and used for its own emissions. The preservation of these recordings in official archives may, on the ground of their exceptional documentary character, be authorized by legislation.

Art. 11ter. Authors of literary works shall enjoy the exclusive right of authorising the public recitation of their works.

Art. 12. Authors of literary, scientific or artistic works shall enjoy the exclusive right of authorizing adaptations, arrangements and other alterations of their works.

Art. 13. (1) Authors of musical works shall have the exclusive right of authorizing: i. the recording of such works by instruments capable of reproducing them mechanically; ii. the public performance by means of such instruments of works thus recorded.

(2) Reservations and conditions relating to the application of the rights mentioned in the preceding paragraph may be determined by legislation in each country of the Union, in so far as it may be concerned; but all such reservations and conditions shall apply only in the countries which have prescribed them and shall not, in any circumstances, be prejudicial to the author's right to obtain just remuneration which, in the absence of agreement, shall be fixed by competent authority.

(3) The provisions of paragraph (1) of this Article shall not be retroactive and consequently shall not be applicable in a country of the Union to works which, in that country, may have been lawfully adapted to mechanical instruments before the coming into force of the Convention signed in Berlin on the 18th November 1908, and, in the case of a country having acceded to the Convention since that date or acceding to it in the future, before the date of its accession.

(4) Recordings made in accordance with paragraphs 2 and 3 of this Article and imported without permission from the parties concerned into a country where they are not lawfully allowed shall be liable to seizure.

Art. 14. (1) Authors of literary, scientific or artistic works shall have the exclusive right of authorizing: i. the cinematographic adaptation and reproduction of these works, and the distribution of the works thus adapted or reproduced; ii. the public presentation and performance of the works thus adapted or reproduced.

(2) Without prejudice to the rights of the author of the work adapted

or reproduced, a cinematographic work shall be protected as an original work.

(3) The adaptation under any other artistic form of cinematographic productions derived from literary, scientific or artistic works shall, without prejudice to the authorization of their authors, remain subject to the authorization of the author of the original work.

(4) Cinematographic adaptations of literary, scientific or artistic works shall not be subject to the reservations and conditions contained in Article 13, paragraph 2.

(5) The provisions of this Article shall apply to reproduction or production effected by any other process analogous to cinematography.

Art. 14bis. (1) The author or, after his death, the persons or institutions authorized by national legislation shall, in respect of original works of art and original manuscripts of writers and composers, enjoy the inalienable right to an interest in any sale of the work subsequent to the first disposal of the work by the author.

(2) The protection provided by the preceding paragraph may be claimed in a country of the Union only if legislation in the country to which the author belongs so permits, and to the degree permitted by the country where this protection is claimed.

(3) The procedure for collection and the amounts shall be matters for determination by national legislation.

Art. 15. (1) In order that the author of a literary or artistic work protected by this Convention shall, in the absence of proof to the contrary, be regarded as such, and consequently be entitled to institute infringement proceedings in countries of the Union, it shall be sufficient for his name to appear on the work in the usual manner. This paragraph shall be applicable even if this name is a pseudonym, where the pseudonym adopted by the author leaves no doubt as to his identity.

(2) In the case of anonymous and pseudonymous works, other than those referred to in the preceding paragraph, the publisher whose name appears on the work shall, in the absence of proof to the contrary, be regarded as representing the author, and in this capacity he shall be entitled to protect and enforce the author's rights. The provisions of this paragraph shall cease to apply if the author reveals his identity and establishes his claim to authorship of the work.

Art. 16. (1) Works infringing copyright may be seized by the competent authorities of any country of the Union where the original work enjoys legal protection.

(2) In these countries the seizure may also apply to reproductions imported from a country where the work is not protected, or has ceased to be protected.

(3) The seizure shall take place in accordance with the legislation of each country.

Art. 17. The provisions of this Convention cannot in any way affect the right of the Government of each country of the Union to permit, to control or to prohibit by legislation or regulation, the circulation, presentation, or exhibition of any work or production in regard to which the competent authority may find it necessary to exercise that right.

Art. 18. (1) This Convention shall apply to all works which at the moment of its coming into force have not yet fallen into the public domain in the country of origin through the expiry of the term of protection.

(2) If, however, through the expiry of the term of protection which was previously granted, a work has fallen into the public domain of the country where protection is claimed, that work shall not be protected anew.

(3) The application of this principle shall be in accordance with the provisions contained in special Conventions to that effect existing or to be concluded between countries of the Union. In the absence of such provisions, the respective countries shall determine, each in so far as it is concerned, the manner in which the said principle is to be applied.

(4) The above provisions shall apply equally in the case of new accessions to the Union, and in the event of protection being extended by the application of Article 7 or by abandonment of reservations.

Art. 19. The provisions of this Convention shall not preclude the making of a claim to the benefit of any wider provisions which may be afforded by legislation in a country of the Union.

Art. 20. The Governments of the countries of the Union reserve to themselves the right to enter into special arrangements between each other, insofar as such arrangements shall confer upon authors more extended rights than those granted by the Convention, or embody other provisions not contrary to this Convention. The provisions of existing arrangements which satisfy these conditions shall remain applicable.

Art. 21. (1) The International Office established under the name of the "Office of the International Union for the Protection of Literary and Artistic Works" shall be maintained.

(2) That Office shall be placed under the high authority of the Government of the Swiss Confederation, which shall regulate its organization and supervise its working.

(3) The official language of the Office shall be the French language.

Art. 22. (1) The International Office shall collect information of every kind relating to the protection of the rights of authors over their literary and artistic works. It shall co-ordinate and publish such information. It shall undertake the study of questions of general interest to the Union and, by the aid of documents placed at its disposal by the different Administrations, it shall edit a periodical publication in the French language on the questions which concern the purpose of the Union. The Governments of the countries of the Union reserve to themselves the power to authorise by agreement the publication by the Office of an edition in one or more other languages, if by experience, this should be shown to be necessary.

(2) The International Office shall always place itself at the disposal of members of the Union in order to provide them with any special information which they may require relating to the protection of literary and artistic works.

(3) The Director of the International Office shall make an annual report on his administration, which shall be communicated to all the members of the Union.

Art. 23. (1)¹ The expenses of the Office of the International Union shall be shared by the countries of the Union. Until a fresh arrangement is made, they shall not exceed the amount of 120,000 gold francs a year.² This amount may be increased, if necessary, by unanimous decision of the countries of the Union or of one of the Conferences provided for in Article 24.

(2) The share of the total expense to be paid by each country shall be determined by the division of the countries of the Union and those subsequently acceding to the Union into six classes, each of which shall contribute in the proportion of a certain number of units, viz.:

1st class	. . . . .	25 units
2nd "	. . . . .	20 "
3rd "	. . . . .	15 "
4th "	. . . . .	10 "
5th "	. . . . .	5 "
6th "	. . . . .	3 "

(3) These coefficients shall be multiplied by the number of countries of each class, and the total product thus obtained gives the number of units by which the total expense is to be divided. The quotient will give the amount of the unit of expense.

(4) Each country shall declare, at the time of its accession, in which of the said classes it desires to be placed, but it may subsequently declare that it wishes to be placed in another class.

(5) The Swiss Administration shall prepare the budget of the Office, supervise its expenditure, make the necessary advances, and draw up the annual account, which shall be communicated to all the other Administrations.

Art. 24. (1) This Convention may be submitted to revision for the purpose of introducing improvements intended to perfect the system of the Union.

(2) Questions of this kind, as well as those which in other respects concern the development of the Union, shall be considered in Conferences to be held successively in the countries of the Union by delegates of the said countries. The Administration of the country where a Conference is to meet shall, with the assistance of the International Office, prepare the program of the Conference. The Director of the Office shall attend the sessions of the Conferences, and shall take part in the discussions, but without the right to vote.

(3) No alteration in this Convention shall be binding on the Union except by the unanimous consent of the countries composing it.

Art. 25. (1) Countries outside the Union which make provision for the legal protection of the rights forming the object of this Convention may accede thereto upon request.

¹ By an unanimous decision of the States of the Union, the expenses of the Bureau of the International Union shall not exceed the sum of sixty two thousand gold francs per annum, as from the 1st January 1957 inclusive (see *Le Droit d'Auteur*, 1957, p. 4).

² This monetary unit is the gold franc of 100 centimes, weighing 10/31 of a gramme and of a fineness of 0.900.

(2) Such accession shall be notified in writing to the Government of the Swiss Confederation, who shall communicate it to all the other countries of the Union.

(3) Such accession shall imply full acceptance of all the clauses and admission to all the advantages provided by this Convention, and shall take effect one month after the date of the notification made by the Government of the Swiss Confederation to the other countries of the Union, unless some later date has been indicated by the acceding country. It may, nevertheless, contain an indication that the acceding country wishes to substitute, provisionally at least, for Article 8, which relates to translations, the provisions of Article 5 of the Convention of 1886 revised at Paris in 1896, on the understanding that those provisions shall apply only to translations into the language or languages of that country.

Art. 26. (1) Any country of the Union may at any time in writing notify the Swiss Government that this Convention shall apply to its overseas territories, colonies, protectorates, territories under its trusteeship, or to any other territory for the international relations of which it is responsible, and the Convention shall thereupon apply to all the territories named in such notification, as from a date determined in accordance with Article 25, paragraph 3. In the absence of such notification, the Convention shall not apply to such territories.

(2) Any country of the Union may at any time in writing notify the Government of the Swiss Confederation that this Convention shall cease to apply to all or any of the territories which have been made the subject of a notification under the preceding paragraph, and the Convention shall cease to apply in the territories named in such notification twelve months after its receipt by the Government of the Swiss Confederation.

(3) All notifications given to the Government of the Swiss Confederation in accordance with the provisions of paragraphs 1 and 2 of this Article shall be communicated by that Government to all the countries of the Union.

Art. 27. (1) This Convention shall replace, in relations between the countries of the Union, the Convention of Berne of the 9th September 1886, and the subsequent revisions thereof. The instruments previously in force shall continue to be applicable in relations with Countries which do not ratify this Convention.

(2) The countries on whose behalf this Convention is signed may retain the benefit of the reservations which they have previously formulated, on condition that they make declaration to that effect at the time of the deposit of their ratifications.

(3) Countries which are at present members of the Union, but on whose behalf this Convention is not signed, may accede to it at any time, in the form provided for in Article 25. In that event they shall enjoy the benefit of the provisions of the preceding paragraph.

Art. 27bis. A dispute between two or more countries of the Union concerning the interpretation or application of this Convention, not settled by negotiation, shall be brought before the International Court of Justice for determination by it, unless the countries concerned agree on some other

method of settlement. The country requesting that the dispute should be brought before the Court shall inform the International Office; the Office shall bring the matter to the attention of the other countries of the Union.

Art. 28. (1) This Convention shall be ratified, and the ratifications deposited at Brussels, not later than the 1st July 1951. The ratifications, with the dates thereof and all declarations which may accompany them, shall be communicated by the Belgian Government to the Government of the Swiss Confederation, which shall notify the other countries of the Union thereof.

(2) This Convention shall come into force, between the countries which have ratified it, one month after the 1st July 1951. Nevertheless, if before that date, it has been ratified by at least six countries of the Union, it shall come into force between those countries one month after the notification to them by the Government of the Swiss Confederation of the deposit of the sixth ratification and, in the case of countries which ratify thereafter one month after the notification of each of such ratifications.

(3) Until the 1st July 1951, countries outside the Union may join it by acceding either to the Convention signed at Rome on the 2nd June 1928, or to this Convention. On or after the 1st July 1951, they may accede only to this Convention. The countries of the Union which shall not have ratified this Convention by the 1st July 1951, may accede thereto in accordance with the procedure provided by Article 25. In this event they shall be entitled to the benefit of the provisions of Article 27, paragraph 2.

Art. 29. (1) This Convention shall remain in force for an indefinite period. Nevertheless, each country of the Union shall be entitled to denounce it at any time, by means of a notification in writing addressed to the Government of the Swiss Confederation.

(2) This denunciation, which shall be communicated by the Government of the Swiss Confederation to all the other countries of the Union, shall take effect only in respect of the country making it, and twelve months after the receipt of the notification of denunciation addressed to the Government of the Swiss Confederation. The Convention shall remain in full force and effect for the other countries of the Union.

(3) The right of denunciation provided by this Article shall not be exercised by any country before the expiry of five years from the date of its ratification or accession.

Art. 30. (1) Countries which introduce into their legislation the term of protection of fifty years provided by Article 7, paragraph 1, of this Convention shall give notice thereof in writing to the Government of the Swiss Confederation, which shall immediately communicate it to all the other countries of the Union.

(2) The same procedure shall be followed in the case of countries abandoning the reservations made or maintained by them in accordance with Articles 25 and 27.

Art. 31. The official Acts of the Conferences shall be established in French. An equivalent text shall be established in English. In case of

dispute as to the interpretation of the Acts, the French text shall always prevail. Any country or group of countries of the Union shall be entitled to have established by the International Office an authoritative text of the said Acts in the language of its choice, and by arrangement with the Office. These texts shall be published in the Acts of the Conferences, annexed to the French and English texts.

In faith whereof the respective Plenipotentiaries have signed this Convention.

Done at Brussels, the 26th day of June 1948, in a single copy, which shall be deposited in the archives of the Department of Foreign Affairs and Foreign Trade of Belgium. A copy, duly certified, shall be transmitted by the diplomatic channel to each country of the Union.

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INTERNATIONAL UNION FOR THE PUBLICATION OF CUSTOMS TARIFFS

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Union for the Publication of Customs Tariffs was established under the International Convention on the subject signed at Brussels on July 5, 1890. The initiative came from the Belgian Government, which in 1886 suggested to other governments the creation of an agency for the prompt translation and dissemination of tariff information. This led to two international conferences at Brussels—one in 1888 when a convention was drafted for submission to the various governments, and one in 1890 when the convention was perfected and signed. The Convention entered into force on April 1, 1891 subject to tacit renewal at seven year intervals.¹ A Protocol modifying the Convention was signed on December 16, 1949.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The object of the Union is to translate and publish "the customs tariffs of the various countries of the globe and any amendments made thereto in the future."² The Bureau of the Union was established to carry out that provision of the Convention.³

As the basis for this reciprocal interchange of tariff information, the member governments have agreed to supply the Bureau at Brussels with copies of their customs laws and customs tariffs; of all modifications of them; of the instructions concerning their application; and of their treaties, conventions, and laws having a direct bearing upon the existing tariffs.⁴ These tariff texts and supplements are issued in five languages: English, French, German, Italian and Spanish.

¹ Convention Art. 15.

² *Id.*, Arts. 2, 3.

³ *Id.*, Art. 3.

⁴ *Id.*, Art. 12.

ORGANS

The Bureau works under the general supervision of the Belgian Minister of Foreign Affairs who appoints the staff of the Bureau.¹ There is no provision for periodical or recurrent meetings of the representatives of member governments.

MEMBERSHIP

The members are Argentina, Australia, Austria, Belgian Congo, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Israel, Italy, Japan, Jordan, Lebanon, Libya, Luxembourg, Mexico, Morocco, Netherlands, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Roumania, Saudi Arabia, Spain, Sudan, Sweden, Switzerland, Thailand, Turkey, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Vietnam and Yugoslavia.

MEANS OF FINANCIAL SUPPORT

The expenses of the organization are assessed against the member governments on a scale of seven classes, "according to the amount of their respective trade."² The classes range from 53 units for countries with trade of more than 5,000 millions of gold francs" to 3 units for countries with trade of "less than 100 millions of gold francs."³ These amounts are reduced for countries whose language is not used by the Bureau and range for such countries from 31.8 units to 1 unit.⁴

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has relations with the Contracting Parties to the General Agreement on Tariffs and Trade.

HEADQUARTERS

Its headquarters are at 38 rue de l'Association, Brussels.

¹ Id., Art. 5.

² Id., Art. 9.

³ Id., Art. 9.

⁴ Id., Art. 10.

CONVENTION CONCERNING THE CREATION OF AN INTERNATIONAL UNION FOR THE PUBLICATION OF CUSTOMS TARIFFS¹

July 5, 1890 as amended by the Protocol signed at Brussels on
December 16, 1949.

The undersigned, being duly authorized, have, subject to approbation, laid down the following Convention:

Art. 1. Between the above named countries and such other countries as shall, in the future, become parties to the present Convention (1), is formed an Association under the style of International Union for the publication of Customs Tariffs.

Art. 2. The object for which the Union has been formed is to publish, on joint account, and to make known, as promptly and as accurately as possible, the Customs tariffs of the various Countries of the Globe and any amendments made thereto in the future.

Art. 3. For that purpose, there shall be created at Brussels an International Bureau charged with the translation and publication of said tariffs together with any legislative or administrative provisions amending the same.

Art. 4. The above publication will be issued in the form of a journal entitled The International Customs Journal, published by the International Customs Tariffs Bureau.

For that purpose, the commercial languages mostly in use shall be adopted.

Art. 5. The staff of the International Bureau shall be appointed by the Minister for Foreign Affairs of Belgium, who will advance the necessary funds and otherwise ensure the proper working of the institution.

Art. 6. All correspondence addressed by the International Bureau to the adhering Governments shall be in the French language.

Art. 7. Each year, a report of the work and financial management of the International Bureau shall be forwarded to the adhering Governments.

Art. 8. The annual budget of expenditure of the International Bureau is fixed at the maximum figure of 500,000 gold-francs.

Art. 9. With the view of fairly assessing the contributive share of the contracting States, these will be divided according to the amount of their respective trade, into seven classes each contributing in the proportion of a certain number of units, namely:

1st class. — Countries whose trade regularly amounts to more than 5,000 millions of gold francs: 53 units.

¹ Convention and amending Protocol supplied by the International Bureau of Customs Tariffs.

2nd class. — Countries whose trade regularly amounts from 3,000 to 5,000 millions of gold francs: 36.5 units.

3rd class. — Countries whose trade regularly amounts from 1,500 to 3,000 millions of gold francs: 25 units.

4th class. — Countries whose trade regularly amounts from 500 millions to 1,500 millions of gold francs: 20 units.

5th class. — Countries whose trade regularly amounts from 300 to 500 millions of gold francs: 13 units.

6th class. — Countries whose trade regularly amounts from 100 to 300 millions of gold francs: 8 units.

7th class. — Countries whose trade regularly amounts to less than 100 millions of gold francs: 3 units.

Art. 10. In regard to countries whose language will not be used by the International Bureau the foregoing figures will respectively be reduced by two-fifths, so that they will stand namely:

For the 1st class	. . . . .	at 31.8 units
For the 2nd class	. . . . .	at 21.9 units
For the 3rd class	. . . . .	at 15. units
For the 4th class	. . . . .	at 12. units
For the 5th class	. . . . .	at 8. units
For the 6th class	. . . . .	at 5. units
For the 7th class	. . . . .	at 1. units

Art. 11. The aggregate yearly expenditure, when divided by the total amount of units allotted to the different contracting States in accordance with the foregoing provisions, will give as quotient the unit of expenditure. It will be sufficient to multiply the latter by the number of units allotted to each State to ascertain its quota of the expenses of the International Bureau.

Art. 12. In order to enable the Bureau to publish the International Customs Journal as accurately as possible, the contracting States shall send direct, and without delay, two copies:

A. Of their Customs laws and tariffs, carefully revised up to date;

B. Of all dispositions which, in the future, may modify the said laws and tariffs;

C. Of all circulars and instructions, which can be rendered public, issued by the aforesaid Governments to their Customs authorities in reference to the application of the tariffs and the classification of merchandise;

D. Of their Commercial Treaties, International Conventions and home laws directly relating to the Customs tariffs in force.

Art. 13. Regulations for execution of the present Convention, having the same force and effect as the latter, will determine the mode of publication of the Journal and all matters connected with the budget of the International Bureau and its internal organization.

Art. 14. States and colonies which have not taken part in the present Convention will be admitted to become parties thereto hereafter.

The accession shall be notified in writing to the Belgian Government who will communicate it to all the other contracting Governments. The accession will *ipso facto* involve compliance with all the terms and conditions of the present Convention and admission to all the advantages stipulated therein.

Art. 15. The present Convention shall commence to have effect on the 1st April, 1891 and remain in operation during seven years.

If, twelve months prior to the expiration of the first seven years, the present Convention should not have been denounced, the Union shall subsist for a further term of seven years and so on, for periods of seven years.

The denunciation shall be addressed to the Belgian Government. It will only have effect as regards the country notifying the same, the convention remaining operative as to the other countries of the Union.

The Governments may at any time, by mutual agreement, insert into the present Convention such amendments as may be deemed expedient or necessary.

In witness whereof, the undersigned have signed the present convention and affixed their seals thereto.

Made at Brussels on the 5th July, one thousand eight hundred and ninety.

INTERNATIONAL WHALING COMMISSION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This organization was established under the International Convention for the Regulation of Whaling, signed by 17 countries at Washington on December 2, 1946.

The convention entered into force on November 10, 1948, when, in accordance with Article 10, it had been ratified by at least six signatory governments including Netherlands, Norway, Union of Soviet Socialist Republics, United Kingdom and the United States. It represents primarily the codification, with modifications, of the regulations and additions of previous agreements.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The functions of the Commission are to encourage studies and collect and analyse statistics, to study and inform concerning the maintenance and increase of stocks in connection with whales and whaling.¹ It has power to amend from time to time, within the purposes of the convention as conditions may require, the schedule of regulations which form an integral part of the convention.²

The Commission is authorized to publish, either independently or in collaboration with the International Bureau of Whaling Statistics and other organizations and agencies, such reports as it deems appropriate.¹

ORGANS

The organs are:

(1) The Commission, composed of one member from each contracting government. Decisions are by a majority vote except regarding regulations which require a three fourths majority.³

(2) Three standing committees, Scientific, Technical and Finance and Administration.

(3) A Secretary and staff.

¹ Convention, Art. 4. ² Id., Art. 5. ³ Id., Art. 3.

MEMBERSHIP

The members are Argentina, Australia, Brazil, Canada, Denmark, France, Iceland, Japan, Mexico, New Zealand, Panama, Sweden, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom and the United States.

MEANS OF FINANCIAL SUPPORT

The organization is supported by contributions from members.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has liaison with the International Council for the Exploration of the Sea and the Food and Agriculture Organization.

At a meeting in 1950 the Commission decided that, while it was not included within the framework of Specialized Agencies of the United Nations, it should nevertheless keep in the closest collaboration with other organizations.¹

HEADQUARTERS

Its headquarters are at 3 Whitehall Place, London.

¹ U.N. Document E/2361. See also Art. 3 of the Convention.

INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING¹

Washington, December 2, 1946, as amended to 1959

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

Considering that the history of whaling has seen over-fishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further over-fishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the number of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling, signed in London on 8th June, 1937, and the protocols to that Agreement signed in London on 24th June, 1938, and 26th November, 1945; and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:—

Art. 1. 1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article 5.

2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

Art. 2. As used in this Convention:—

¹ Published by the Commission, 1952, and including amendments published by the Commission to 1959.

1. "Factory ship" means a ship in which or on which whales are treated whether wholly or in part;

2. "Land station" means a factory on the land at which whales are treated whether wholly or in part;

3. "Whale catcher" means a helicopter, or other aircraft, or a ship used for the purpose of hunting, taking, killing, towing, holding on to, or scouting for whales;

4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

Art. 3. 1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. . Each member shall have one vote and may be accompanied by one or more experts and advisers.

2. The Commission shall elect from its own members a Chairman and Vice-Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article 5. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.

3. The Commission may appoint its own Secretary and staff.

4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.

5. The expenses of each member of the Commission and of his experts and advisers shall be determined by his own Government.

6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.

7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.

8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

Art. 4. 1. The Commission may, either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently,

(a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;

(b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;

(c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.

2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

Art. 5. 1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species;

(b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; (h) catch returns and other statistical and biological records; and (i) methods of inspection.

2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory or ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.

3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections and withdrawals.

4. No amendments shall become effective before 1st July, 1949.

Art. 6. The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

Art. 7. The Contracting Governments shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

Art. 8. 1. Notwithstanding anything contained in this Convention any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.

2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

3. Each Contracting Government shall transmit to such body as may be designated by the Commission, in so far as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article 4.

4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

Art. 9. 1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.

3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offence.

4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

Art. 10. 1. This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America.

2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.

3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to 1st July, 1948. Amendments to the Schedule adopted pursuant to Article 5 shall not apply prior to 1st July, 1949.

Art. 11. Any Contracting Government may withdraw from this Convention on 30th June, of any year by giving notice on or before 1st January, of the same year to the depository Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depository Government, give notice of withdrawal, so that the Convention shall cease to be in force on 30th June, of the same year with respect to the Government giving such notice of withdrawal.

This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

In witness whereof the undersigned, being duly authorized, have signed this Convention.

Done in Washington this second day of December, 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

SCHEDULE

(As amended by the Commission at its first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh meetings and subsequently brought into force)¹

1. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship; provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

2. It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4. (1) It is forbidden to kill blue whales in the North Atlantic Ocean for five years ending on 24th February, 1965.²

(2) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(a) in the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. (*This article, as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from 8th November, 1955, and as a result of the ninth meeting in London was rendered*

¹ Further amendments were adopted at the twelfth meeting in 1960 concerning pelagic whaling for humpback whales and shortening the period for taking blue whales to between February 14 and April 7 (see Commission's Press Release No. 20, June 27, 1960).

² This paragraph was objected to within the prescribed period ending 4th October, 1959 by the Government of Iceland. The objection was not withdrawn and the paragraph came into force on 3rd January, 1960, but is not binding on Iceland.

inoperative for a further period from 8th November, 1958, and again as a result of the eleventh meeting in London was rendered inoperative for a period of three years from 8th November, 1959.)

6. (1) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on 8th November, 1964.

(2) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 60° West Longitude for a period ending on 8th November, 1964.

(3) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude except for four days commencing 20th January in any year.

7. (a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 28th December to 7th April, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 1st February in any year.

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (c), (d) and (e) of this paragraph.

(c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted.

Provided that:

(i) a separate open season may be declared for each factory ship and the whale catchers attached thereto;

(ii) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (a) of this paragraph.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted.

8. (a) The number of baleen whales taken during the open season caught in waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue-whale units in any one season.

(b) For the purposes of sub-paragraph (a) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

- (1) Two fin whales or
- (2) Two and a half humpback whales or
- (3) Six sei whales.

(c) Notification shall be given in accordance with the provisions of Article 7 of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; provided that when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500 notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(d) If it appears that the maximum catch of whales permitted by sub-paragraph (a) of this paragraph may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e)¹ Notification shall be given in accordance with the provisions of Article 7 of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9. (a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21.3 metres)

Sei whales 40 feet (12.2 metres)

Humpback whales 35 feet (10.7 metres)

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations, provided that the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided

¹ Paragraph (e) which followed in earlier copies was deleted by the Commission at its fourth meeting in 1952 and the deletion became effective on 12th September, 1952. Original paragraph (f) consequently becomes paragraph (e).

in each case that the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g. 76 feet 6 inches precisely shall be logged as 77 feet.

10. (a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (b), (c) and (d) of this paragraph.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c)¹ Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in sub-paragraph (b) of this paragraph; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more

¹ This sub-paragraph 10 (c) came into force as from 21st February, 1952, in respect of all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this sub-paragraph are not therefore binding on the Commonwealth of Australia.

than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(d) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (b) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(e) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article 2 of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule.

11. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season; provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

12. (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of paragraphs 2, 4, 5, 6, 7, 8 or 10 of this Schedule.

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(c) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13. (a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

- (1) The time when each whale is taken
- (2) Its species, and
- (3) Its marking effected pursuant to sub-paragraph (b) of this paragraph.

(d) The information reported by radio pursuant to sub-paragraph (c) of this paragraph shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

- (1) time of hauling up for treatment,
- (2) length, measured pursuant to sub-paragraph (d) of paragraph 9,
- (3) sex,
- (4) if female, whether milk-filled or lactating.
- (5) length and sex of foetus, if present, and
- (6) a full explanation of each infraction.

(e) A record similar to that described in sub-paragraph (d) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.

14. Gunners and crews of factory ships, land stations, and whale catchers shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article 7 of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if

it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified—

- (a) the name and gross tonnage of each factory ship;
- (b) the number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horse power of whale catchers;
- (c) a list of the land stations which were in operation during the period concerned.

17. (a) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (c) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (c) of this paragraph or south of 40° South Latitude.

(c) The areas referred to in sub-paragraphs (a) and (b) are:—

- (1) On the coast of Madagascar and its dependencies;
- (2) On the west coasts of French Africa;
- (3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.¹
- (4) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.

18. (1) The following expressions have the meanings respectively assigned to them, that is to say:—

“baleen whale” means any whale which has baleen or whale bone in the mouth, i.e., any whale other than a toothed whale.

“blue whale” (*Balaenoptera or Sibbaldus musculus*) means any whale

¹ Paragraph 17 (a), (b), and (c) (1) to (3) was inserted by the Commission at its first meeting in 1949, and came into force on 11th January, 1950 as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original paragraph 17, which reads as follows:—

17. Notwithstanding the definition of land stations contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government shall be subject to the regulations governing the operation of land stations within the following areas:—

- (a) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

- (b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

known by the name of blue whale, Sibbald's rorqual, or sulphur bottom, "dauhval" means any unclaimed dead whale found floating,

"fin whale" (*Balaenoptera physalus*) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale,

"gray whale" (*Rhachianectes glaucus*) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack.

"humpback whale" (*Megaptera nodosa or novaeangliae*) means any whale known by the name of bunch, humpback whale, humpbacked whale, hump whale or hunchbacked whale,

"minke whale" (*Balaenoptera acutorostrata, B. Davidsoni, B. huttoni*) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner.

"right whale" (*Balaena mysticetus; Eubalaena glacialis, E. australis, etc. Neobalaena marginata*) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

"sei whale" (*Balaenoptera borealis*) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (*B. brydei*),

"sperm whale" (*Physeter catodon*) means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale,

"toothed whale" means any whale which has teeth in the jaws.

(2) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

BIBLIOGRAPHY

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INTERNATIONAL WHEAT COUNCIL

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This organization was established by the International Wheat Agreement which was opened for signature in Washington on March 23, 1949. It was continued in being by the International Wheat Agreements of 1953, 1956 and 1959.

An International Wheat Council had been established pursuant to a Memorandum of Agreement initialled in April 1942 (effective June 27, 1942) by representatives of the Governments of Argentina, Australia, Canada, the United Kingdom, and the United States. It succeeded the International Wheat Advisory Committee which had been established at London in August 1933. The Memorandum of 1942 had attached a Draft Convention which served as the basis of discussion pending a conference to be called by the United States after the war. Part of the draft Convention, providing for the establishment of a Council and for administration of an international wheat pool for relief purposes during the war, was put into force pending a postwar international wheat conference.

The Memorandum of 1942 was amended in 1946 to permit the Council, whose membership was then being expanded, to remain in being pending the conclusions of an international conference or until such time as the governments represented on the Council should determine.

International wheat conferences were held in 1947, 1948 and 1949. In the latter year the international wheat agreement which had been agreed upon at the 1948 conference but then failed of acceptance, was renegotiated and signed by representatives of forty one countries. By July 1, 1949, it was accepted by a sufficient number of countries (exporting countries covering the required 80 per-cent of quantities guaranteed for export and importing countries covering the required 70 percent of quantities guaranteed for import under the agreement) to provide for the organization of a new International Wheat Council, composed of representatives of the countries which ratified the Agreement. The

Agreement entered into force on July 1, 1949, with the exception of certain operating features (Part II) which came into force on August 1, 1949 by action of the Council.

New agreements revising and renewing the International Wheat Agreement were signed in 1953, 1956 and 1959. The 1959 Agreement has a duration until July 31, 1962 and there are provisions for withdrawal.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Agreement provides that "the objectives of this Agreement are to assure supplies of wheat to importing countries and markets for wheat to exporting countries at equitable and stable prices," to promote the expansion of trade, overcome hardships caused by surpluses or shortages, encourage consumption, generally further international co-operation in connection with wheat problems.²

It lays down obligations of purchases and sales by importing and exporting countries.³ It specifies "basic minimum and maximum prices" of \$ 1.50 and \$ 1.90 respectively in Canadian dollars.⁴

There are provisions relating to possible "short crops,"⁵ and the "necessity to safeguard balance of payments or monetary reserves"⁶ and for adjustments in cases of critical need or by consent.⁷

ORGANS

The organs are:

(1) An International Wheat Council, composed of one delegate from each exporting and each importing member.⁸ The importing and exporting countries each have 1,000 votes and there is a system of weighted voting.⁹

(2) An Executive Committee, composed of four exporting countries elected annually by the exporting countries and not more than eight importing countries elected annually by the importing countries.¹⁰ The exporting countries have the same total number of votes as the importing countries, divided among themselves as they shall decide but no exporting country may have more than 40% of the votes of all the exporting countries.¹¹

(3) An Advisory Committee on Price Equivalents, composed of four exporting and four importing countries.¹²

(4) A Secretariat.¹³

MEMBERSHIP

The members are Argentina, Australia, Austria, Belgium, Brazil, Canada, Costa Rica, Cuba, Dominican Republic, El Salvador, France,

¹ Agreement, Art. 36.

² Agreement, Art. 1.

⁶ Id., Arts. 10.

¹⁰ Id., Art. 29.

³ Id., Art. 4, 5.

⁷ Id., Art. 11, 12.

¹¹ Id.

⁴ Id., Art. 6.

⁸ Id., Art. 22.

¹² Id., Art. 30.

⁵ Id., Art. 9.

⁹ Id., Art. 24, 25.

¹³ Id., Art. 31.

Germany, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Korea, Mexico, Netherlands, New Zealand, Norway, Panama, Peru, Philippines, Portugal, Rhodesia and Nyasaland, Saudi Arabia, Spain, Switzerland, Sweden, Union of South Africa, United Arab Republic, United Kingdom, United States, Vatican City, Venezuela.

MEANS OF FINANCIAL SUPPORT

Common expenses are met by annual contributions from exporting and importing countries in the proportion which each country's votes bears to the total of the votes of the exporting and importing countries at the beginning of that crop year.¹

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has relations with the United Nations, the Food and Agriculture Organizations, and the International Monetary Fund.

HEADQUARTERS

Its headquarters are at Haymarket House, 28 Haymarket, London.

¹ *Id.*, Art. 32.

INTERNATIONAL WHEAT AGREEMENT

1959

The Governments signatory to this Agreement,

Considering that the International Wheat Agreement 1949 was revised and renewed in 1953 and 1956, and

Considering that the International Wheat Agreement 1956 expires on 31 July 1959 and that it is desirable to conclude a new Agreement for a further period;

Have agreed as follows:

PART I - GENERAL

Art. 1. Objectives. The objectives of this Agreement are:

(a) to assure supplies of wheat and wheat-flour to importing countries and markets for wheat and wheat-flour to exporting countries at equitable and stable prices;

(b) to promote the expansion of the international trade in wheat and wheat-flour and to secure the freest possible flow of this trade in the interests of both exporting and importing countries;

(c) to overcome the serious hardship caused to producers and consumers by burdensome surpluses and critical shortages of wheat;

(d) to encourage the use and consumption of wheat and wheat-flour generally, and in particular, so as to improve health and nutrition, in countries where the possibility of increased consumption exists; and

(e) in general to further international co-operation in connection with world wheat problems, recognizing the relationship of the trade in wheat to the economic stability of markets for other agricultural products.

Art. 2. Definitions. For the purposes of this Agreement:

(1) "Advisory Committee on Price Equivalents" means the Committee established under Article 30.

"Balance of Commitment" means the amount of wheat which an exporting country is obliged to make available at not greater than the maximum price under Article 5, that is, the amount by which its datum quantity with respect to importing countries exceeds the actual commercial purchases from it by those countries in the crop year at the relevant time.

"Balance of Entitlement" means the amount of wheat which an importing country is entitled to purchase at not greater than the maximum price under Article 5, that is, the amount by which its datum quantity with respect to the exporting country or countries concerned, as the context requires, exceeds its actual commercial purchases from those countries in the crop year at the relevant time.

"Bushel" means sixty pounds avoirdupois or 27.2155... kilograms.

"Carrying charges" means the cost incurred for storage, interest and insurance in holding wheat.

"C. & f." means cost and freight.

(Art. 2, contin. – Definitions)

“Council” means the International Wheat Council established by Article 22.

“Crop year” means the period from 1 August to 31 July.

“Datum quantity” means.

(a) in the case of an exporting country the average annual commercial purchases from that country by importing countries during the years determined under Article 14.

(b) in the case of an importing country the average annual commercial purchases from exporting countries or from a particular exporting country, as the context requires, during the years determined under Article 14.

“Executive Committee” means the Committee established under Article 29.

“Exporting country” means, as the context requires, either (i) the Government of a country listed in Article 24 which has accepted or acceded to this Agreement and has not withdrawn therefrom, or (ii) that country itself and the territories in respect of which the rights and obligations of its Government under this Agreement apply.

“F.a.q.” means fair average quality.

“F.o.b.” means free on board ocean vessel or sea-going vessel, as the case may be, and in the case of French wheat delivered at a Rhine port, free on board river craft.

“Importing country” means, as the context requires, either (i) the Government of a country listed in Article 25 which has accepted or acceded to this Agreement and has not withdrawn therefrom, or (ii) that country itself and the territories in respect of which the rights and obligations of its Government under this Agreement apply.

“Marketing costs” means all usual charges incurred in marketing, chartering, and forwarding.

“Maximum price” means the maximum prices specified in or determined under Article 6 or one of those prices, as the context requires.

“Maximum price declaration” means a declaration made in accordance with Article 13.

“Metric ton,” or 1,000 kilograms, means 36.74371 bushels.

“Minimum price” means the minimum prices specified in or determined under Article 6 or one of those prices, as the context requires.

“Price range” means prices between the minimum and maximum prices specified in or determined under Article 6, including the minimum prices but excluding the maximum prices.

“Purchase” means a purchase for import of wheat exported or to be exported from an exporting country or from other than an exporting country, as the case may be, or the quantity of such wheat so purchased, as the context requires. Where reference is made in this Agreement to a purchase, it shall be understood to refer not only to purchases concluded between the Governments concerned but also to purchases concluded between private traders and to purchases concluded between a private trader and the Government concerned. In this definition “Government” shall be deemed to include the Government of any territory in respect of

(Art. 2, contin. – Definitions)

which the rights and obligations of any Government accepting or acceding to this Agreement apply under Article 37.

“Territory” in relation to an exporting or importing country includes any territory in respect of which the rights and obligations under this Agreement of the Government of that country apply under Article 37.

“Wheat” includes wheat grain and, except in Article 6, wheat-flour.

(2) All calculations of the wheat equivalent of purchases of wheat-flour shall be made on the basis of the rate of extraction indicated by the contract between the buyer and the seller. If no such rate is indicated, seventy-two units by weight of wheat-flour shall, for the purpose of such calculations, be deemed to be equivalent to one hundred units by weight of wheat grain unless the Council decides otherwise.

Art. 3. Commercial Purchases and Special Transactions. (1) A commercial purchase for the purposes of this Agreement is a purchase as defined in Article 2 which conforms to the usual commercial practices in international trade and which does not include those transactions referred to in paragraph (2) of this Article.

(2) A special transaction for the purposes of this Agreement is one which, whether or not within the price range, includes features introduced by the Government of a country concerned which do not conform with usual commercial practices.

(3) In particular, the following transactions, to the extent to which they conform with the provisions of paragraph (2) of this Article, shall be regarded as special transactions:

- (a) sales on long term credit resulting from government intervention;
- (b) sales under tied government loans;
- (c) sales for inconvertible currency;
- (d) barter transactions;
- (e) bilateral trading agreements;
- (f) gifts or grants.

(4) The Council shall adopt such rules of procedure prescribing the categories of transactions within the meaning of paragraphs (2) and (3) of this Article as may be appropriate.

PART II – RIGHTS AND OBLIGATIONS

Art. 4. Purchases within the Price Range. (1) Each importing country undertakes that not less than the percentage specified for that country in the Annex to this Agreement of its total commercial purchases of wheat in any crop year shall be purchased from exporting countries in that year at prices within the price range.

(2) Exporting countries undertake, in association with one another, that at prices within the price range wheat from their countries shall be made available for purchase by importing countries in a crop year in quantities sufficient to satisfy the commercial requirements of those countries.

(3) For the purposes of this Agreement, except as provided in Article 5, any wheat purchased from an importing country by a second importing

(Art. 4, *contin.* – *Purchases within the Price Range*)

country which originated during that crop year from an exporting country shall be deemed to have been purchased from that exporting country by the second importing country. Subject to the provisions of Article 18, this paragraph shall apply to wheat-flour only if the wheat-flour originated from the exporting country concerned.

Art. 5. Purchases at the Maximum Price. (1) If the Council makes a maximum price declaration in respect of an exporting country, that country shall make available for purchase by importing countries at not greater than the maximum price its balance of commitment towards those countries to the extent that the balance of entitlement of any importing country with respect to all exporting countries is not exceeded.

(2) If the Council makes a maximum price declaration in respect of all exporting countries, each importing country shall be entitled, while the declaration is in effect,

(a) to purchase from exporting countries at prices not greater than the maximum price its balance of entitlement with respect to all exporting countries; and

(b) to purchase wheat from any source without being regarded as committing any breach of paragraph (1) of Article 4.

(3) If the Council makes a maximum price declaration in respect of one or more exporting countries, but not all of them, each importing country shall be entitled while the declaration is in effect,

(a) to make purchases under paragraph (1) of this Article from such one or more exporting countries and to purchase the balance of its commercial requirements within the price range from the other exporting countries, and

(b) to purchase wheat from any source without being regarded as committing any breach of paragraph (1) of Article 4 to the extent of its balance of entitlement with respect to such one or more exporting countries as at the effective date of the declaration, provided such balance is not larger than its balance of entitlement with respect to all exporting countries.

(4) Purchases by any importing country from an exporting country in excess of the balance of entitlement of that importing country with respect to all exporting countries shall not reduce the obligation of that exporting country under this Article. The provisions of paragraph (3) of Article 4 shall apply also to this Article provided the balance of entitlement of any importing country with respect to all exporting countries is not thereby exceeded.

(5) In determining whether it has fulfilled its required percentage under paragraph (1) of Article 4, purchases made by any importing country while a maximum price declaration is in effect, subject to the limitations in paragraphs (2) (b) and (3) (b) of this Article,

(a) shall be taken into account if those purchases were made from any exporting country, including an exporting country in respect of which the declaration was made, and

(b) shall be entirely disregarded if those purchases were made from a country other than an exporting country.

Art. 6. Prices. (1) (a) The basic minimum and maximum prices for the duration of this Agreement shall be:

Minimum	. . . .	\$1.50
Maximum	. . . .	\$1.90

Canadian currency per bushel at the parity for the Canadian dollar, determined for the purposes of the International Monetary Fund as at 1 March 1949, for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur. The basic minimum and maximum prices, and the equivalents thereof hereafter referred to, shall exclude such carrying charges and marketing costs as may be agreed between the buyer and the seller.

(b) Carrying charges as agreed between the buyer and seller may accrue for the buyer's account only after an agreed date specified in the contract under which the wheat is sold.

(2) The equivalent maximum price for bulk wheat for:

(a) No. 1 Manitoba Northern wheat in store Vancouver shall be the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article;

(b) No. 1 Manitoba Northern wheat f.o.b. Port Churchill, Manitoba, shall be the price equivalent to the c. & f. price in the country of destination of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates;

(c) Argentine wheat in store ocean ports shall be the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, converted into Argentine currency at the prevailing rate of exchange, making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;

(d) f.a.q. Australian wheat in store ocean ports shall be the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, converted into Australian currency at the prevailing rate of exchange, making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;

(e) French wheat on sample or on description f.o.b. French ports or at the French border (whichever is applicable) shall be the price equivalent to the c. & f. price in the country of destination, or the c. & f. price at an appropriate port for delivery to the country of destination, of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;

(f) Italian wheat on sample or on description f.o.b. Italian ports or at the Italian border (whichever is applicable) shall be the price equivalent to the c. & f. price in the country of destination, or the c. & f. price at an appropriate port for delivery to the country of destination, of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;

(Art. 6, contin. - Prices)

(g)—(i) Mexican wheat on sample or on description f.o.b. Mexican Gulf ports or at the Mexican border (whichever is applicable) shall be the price equivalent to the c. & f. price in the country of destination of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;

(ii) Mexican wheat on sample or on description in store Mexican Pacific ports shall be the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, converted into Mexican currency at the prevailing rate of exchange, making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;

(h) Spanish wheat on sample or on description f.o.b. Spanish ports or at the Spanish border (whichever is applicable) shall be the price equivalent to the c. & f. price in the country of destination, or the c. & f. price at an appropriate port for delivery to the country of destination, of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;

(i) Swedish wheat on sample or on description f.o.b. Swedish ports between Stockholm and Gothenburg, both included, shall be the price equivalent to the c. & f. price in the country of destination of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;

(j) No. 1 Hard Winter wheat f.o.b. Gulf/Atlantic ports of the United States of America shall be the price equivalent to the c. & f. price in the country of destination of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned; and

(k) No. 1 Soft White wheat or No. 1 Hard Winter wheat in store Pacific ports of the United States of America shall be the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using the prevailing rate of exchange and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned.

(3) The equivalent minimum price for bulk wheat for:

- (a) No. 1 Manitoba Northern wheat f.o.b. Vancouver,
- (b) No. 1 Manitoba Northern wheat f.o.b. Port Churchill, Manitoba,
- (c) Argentine wheat f.o.b. Argentina,
- (d) f.a.q. wheat f.o.b. Australia,
- (e) French wheat on sample or on description f.o.b. French ports, or at the French border (whichever is applicable),
- (f) Italian wheat on sample or on description f.o.b. Italian ports, or at the Italian border (whichever is applicable),
- (g) Mexican wheat on sample or on description f.o.b. Mexican ports, or at the Mexican border (whichever is applicable),

(Art. 6, contin. – Prices)

(h) Spanish wheat on sample or on description f.o.b. Spanish ports, or at the Spanish border (whichever is applicable),

(i) Swedish wheat on sample or on description f.o.b. Swedish ports between Stockholm and Gothenburg, both included,

(j) No. 1 Hard Winter wheat f.o.b. Gulf/Atlantic ports of the United States of America, and

(k) No. 1 Soft White wheat or No. 1 Hard Winter wheat f.o.b. Pacific ports of the United States of America,

shall be respectively:

the f.o.b. price Vancouver, Port Churchill, Argentina, Australia, French ports, Italian ports, Mexican ports, Spanish ports, Swedish ports between Stockholm and Gothenburg, both included, United States of America Gulf/Atlantic ports and the United States of America Pacific ports equivalent to the c. & f. price in the United Kingdom of Great Britain and Northern Ireland of the minimum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned.

(4) For the period of closed navigation between Fort William/Port Arthur and the Canadian Atlantic ports, equivalent maximum and minimum prices shall be determined by reference only to the lake and rail movement of wheat from Fort William/Port Arthur to Canadian winter ports.

(5) The Executive Committee may, in consultation with the Advisory Committee on Price Equivalents, determine the minimum and maximum price equivalents for wheat at points other than those specified above and may also designate any description, type, class or grade of wheat other than those specified in paragraphs (2) and (3) above and determine the minimum and maximum price equivalents thereof; provided that, in the case of any other wheat the price equivalent of which has not yet been determined, the minimum and maximum prices for the time being shall be derived from the minimum and maximum prices of the description, type, class or grade of wheat specified in this Article, or subsequently designated by the Executive Committee in consultation with the Advisory Committee on Price Equivalents, which is most closely comparable to such other wheat by the addition of an appropriate premium or by the deduction of an appropriate discount.

(6) If any exporting or importing country represents to the Executive Committee that any price equivalent established under paragraph (2), (3) or (5) of this Article is, in the light of current transportation or exchange rates or market premiums or discounts, no longer fair, the Executive Committee shall consider the matter and may, in consultation with the Advisory Committee on Price Equivalents, make such adjustment as it considers desirable.

(7) In establishing equivalent minimum and maximum prices under paragraph (2), (3), (5) or (6) above and subject to the provisions of Article 15 relating to durum wheat, no allowance for difference in quality shall be made which would result in the equivalent minimum and maximum

(*Art. 6, contin. – Prices*)

price of wheat of any description, type, class or grade being fixed at a level higher than the basic minimum or maximum price, respectively, specified in paragraph (1) above.

(8) If a dispute arises as to what premium or discount is appropriate for the purposes of paragraphs (5) and (6) of this Article in respect of any description of wheat specified in paragraph (2) or (3) or designated under paragraph (5) of this Article, the Executive Committee, in consultation with the Advisory Committee on Price Equivalents, shall on the request of the exporting or importing country concerned decide the issue.

(9) All decisions of the Executive Committee under paragraphs (5), (6) and (8) of this Article shall be binding on all exporting and importing countries, provided that any of those countries which considers that any such decision is disadvantageous to it may ask the Council to review that decision.

Art. 7. Action by the Council at or approaching the Minimum Price.

(1) If any exporting country is making wheat of any class, type or grade available for purchase by importing countries at prices not greater than the minimum price, or if such a situation appears likely to arise, the Council shall as soon as possible thereafter meet to consider the situation in the light of the rights and obligations of exporting and importing countries. It may make such recommendations as it considers appropriate regarding the manner in which those rights and obligations shall be fulfilled in these circumstances.

(2) If any exporting or importing country considers that by reason of a serious fall in the price of wheat of any class, type or grade, a situation has arisen or threatens imminently to arise which appears likely to jeopardize the objectives of the Agreement with regard to the minimum price, it may refer the matter to the Council. The Council may, in the light of advice received from the Advisory Committee on Price Equivalents, make recommendations to exporting and importing countries with regard to action which it considers necessary to meet the situation.

(3) The Advisory Committee shall advise the Chairman of the Council whenever in its opinion circumstances exist which are likely to or require that a meeting of the Council be convened under paragraph (1) or (2) of this Article. If any such meeting is convened under those paragraphs or by the Chairman, the Advisory Committee shall present to the Council all relevant information in addition to such advice as it may have given in accordance with paragraph (3) of Article 30.

Art. 8. Countries both Exporters and Importers of Wheat. (1) For the duration of this Agreement and for the purposes of its application, a country listed in Article 24 shall be regarded as an exporting country and a country listed in Article 25 shall be regarded as an importing country.

(2) Any country listed in Article 25 which makes wheat available for purchase by any exporting or importing country shall endeavor so far as possible to do so at prices consistent with the price range and, in making such wheat available for purchase, to avoid taking any action which would be prejudicial to the operation of this Agreement.

(*Art. 8, contin. – Countries exporters and importers*)

(3) Any country listed in Article 24 which desires to purchase wheat shall endeavor so far as possible to purchase its requirements from exporting countries at prices within the price range and, in meeting its requirements, to avoid taking any action which would be prejudicial to the operation of this Agreement.

PART III – ADJUSTMENTS

Art. 9. Adjustment in Case of Short Crop. (1) Any exporting country which fears that it may be prevented by a short crop from carrying out its obligations under this Agreement in respect of a particular crop year shall report the matter to the Council at the earliest possible date and apply to the Council to be relieved of a part or the whole of its obligations for that crop year. An application made to the Council pursuant to this paragraph shall be heard without delay.

(2) The Council shall, in dealing with a request for relief under this Article, adhere to the principle that the exporting country concerned will, to the maximum extent feasible, make wheat available for purchase to meet its obligations under this Agreement.

(3) The Council shall, in dealing with the request for relief, review the exporting country's supply situation including the extent to which the exporting country has observed the principle stated in paragraph (2) of this Article.

(4) If the Council finds that the country's representations are well founded, it shall decide to what extent and on what conditions that country shall be relieved of its obligations for the crop year concerned. The Council shall inform the exporting country of its decision.

(5) If the Council decides that the exporting country shall be relieved of the whole or part of its obligations under Article 5 for the crop year concerned, the Council shall increase the datum quantities of the other exporting countries to the extent agreed by each of them. If such increases do not offset the relief granted under paragraph (4), it shall reduce by the amount necessary the datum quantities of the importing countries to the extent agreed by each of them.

(6) If the relief granted under paragraph (4) cannot be entirely offset by measures taken under paragraph (5), the Council shall reduce *pro rata* the datum quantities of the importing countries, account being taken of any reductions under paragraph (5).

(7) If the datum quantity of an exporting country is reduced under paragraph (4), the amount of such reduction shall be regarded for the purpose of establishing its datum quantity and that of all other exporting countries in subsequent crop years as having been purchased from that exporting country in the crop year concerned. In the light of the circumstances, the Council shall determine whether any adjustment shall be made, and if so in what manner, for the purpose of establishing the datum quantities of importing countries in such subsequent crop years as a result of the operation of this paragraph.

(8) If the datum quantity of an importing country is reduced under paragraphs (5) or (6) of this Article to offset the relief granted to an exporting country under paragraph (4), the amount of such reduction shall be regarded as having been purchased in the crop year concerned from that exporting country for the purposes of establishing the datum quantity of that importing country in subsequent crop years.

Art. 10. Adjustment in Case of Necessity to Safeguard Balance of Payments or Monetary Reserves. (1) Any importing country which fears that it may be prevented by the necessity to safeguard its balance of payments or monetary reserves from carrying out its obligations under this Agreement in respect of a particular crop year shall report the matter to the Council at the earliest possible date and apply to the Council to be relieved of a part or the whole of its obligations for that crop year. An application made to the Council pursuant to this paragraph shall be heard without delay.

(2) If an application is made under paragraph (1), the Council shall seek and take into account, together with all facts which it considers relevant, the opinion of the International Monetary Fund, as far as the matter concerns a country which is a member of the Fund, on the existence and extent of the necessity referred to in that paragraph.

(3) The Council shall, in dealing with a request for relief under this Article, adhere to the principle that the country concerned will to the maximum extent feasible make purchases to meet its obligations under this Agreement.

(4) If the Council finds that the representations of the importing country concerned are well founded, it shall decide to what extent and on what conditions that country shall be relieved of its obligations for the crop year concerned. The Council shall inform the importing country of its decision.

Art. 11. Adjustments and Additional Purchases in Case of Critical Need. (1) If a critical need has arisen or threatens to arise in its territory, an importing country may appeal to the Council for assistance in obtaining supplies of wheat. With a view to relieving the emergency created by the critical need, the Council shall give urgent consideration to the appeal and shall make appropriate recommendations to exporting and importing countries regarding the action to be taken by them.

(2) In deciding what recommendation should be made in respect of an appeal by an importing country under the preceding paragraph, the Council shall have regard to its actual commercial purchases from exporting countries or to the extent of its obligations under Article 4 of this Agreement, as may appear appropriate in the circumstances.

(3) No action taken by an exporting or importing country pursuant to a recommendation made under paragraph (1) of this Article shall affect the datum quantity of any exporting or importing country in subsequent crop years.

Art. 12. Adjustments by Consent. (1) An exporting country may transfer part of its balance of commitment to another exporting country, and an importing country may transfer part of its balance of entitlement

to another importing country for a crop year, subject to approval by the Council by a majority of the votes cast by the exporting countries and a majority of the votes cast by the importing countries.

(2) Any importing country may at any time, by written notification to the Council, increase its percentage undertaking referred to in paragraph (1) of Article 4 and such increase shall become effective from the date of receipt of the notification.

(3) The datum quantity of any country acceding under Article 35 (4) of this Agreement shall be offset, if necessary, by appropriate adjustments by way of increase or decrease in the datum quantities of one or more exporting or importing countries, as the case may be. Such adjustments shall not be approved unless each exporting or importing country whose datum quantity is thereby changed has consented.

PART IV - ADMINISTRATION OF RIGHTS AND OBLIGATIONS

Art. 13. Maximum Price Declarations. (1) As soon as its wheat of any class, type or grade other than durum wheat is made available for purchase by importing countries at prices not less than the maximum price, an exporting country shall notify the Council to that effect. On receipt of such notification, the Executive Secretary, acting on behalf of the Council, shall make a declaration accordingly, referred to in this Agreement as a maximum price declaration. The Executive Secretary shall communicate that maximum price declaration to all exporting and importing countries as soon as possible after it has been made.

(2) As soon as its wheat of all classes, types or grades other than durum wheat is again made available for purchase by importing countries at prices less than the maximum price, an exporting country shall notify the Council to that effect. Thereupon, the Executive Secretary, acting on behalf of the Council, shall terminate the maximum price declaration in respect of that country by making a further declaration accordingly. He shall communicate such further declaration to all exporting and importing countries as soon as possible after it has been made.

(3) The Council shall, in its rules of procedure, prescribe regulations to give effect to paragraphs (1) and (2) of this Article, including regulations determining the effective date of any declaration made under this Article.

(4) If, at any time, in the opinion of the Executive Secretary an exporting country has failed to make a notification under paragraph (1) or (2) of this Article or has made an incorrect notification, he shall, without prejudice in the latter case to the provisions of paragraph (1) or (2), convene a meeting of the Advisory Committee on Price Equivalents. If the Advisory Committee advises either under this paragraph or in accordance with Article 30 that a declaration under paragraph (1) or (2) should be or should not have been made, as the case may be, the Executive Committee may make a declaration accordingly or cancel any declaration then in effect, whichever may be appropriate.

(5) Any declaration made under this Article shall specify the crop year or crop years to which it relates, and this Agreement shall apply accordingly.

(6) If any exporting or importing country considers that a declaration under this Article should be or should not have been made, as the case may be, it may refer the matter to the Council. If the Council finds that the representations of the country concerned are well founded, it shall make or cancel a declaration accordingly.

(7) Any declaration made under paragraphs (1), (2) or (4) which is cancelled in accordance with this Article shall be regarded as having full force and effect until the date of its cancellation, and such cancellation shall not affect the validity of anything done under the declaration prior to its cancellation.

Art. 14. Establishment of Datum Quantities. (1) Datum quantities as defined in Article 2 shall be established for the first crop year of this Agreement with reference to the first four of the immediately preceding five crop years and, for each succeeding crop year, with respect to the first five of the immediately preceding six crop years.

(2) Before the beginning of each crop year, the Council shall establish for that crop year the datum quantity of each exporting country with respect to all importing countries and the datum quantity of each importing country with respect to all exporting countries and to each such country.

(3) The datum quantities established in accordance with the preceding paragraph shall be re-established whenever a change in the membership of this Agreement occurs, regard being had where appropriate to any conditions of accession prescribed by the Council under Article 35.

Art. 15. Recording of Purchases and Special Transactions, and Statement of Balances. (1) For the purposes of the operation of this Agreement, including the establishment of the total commercial purchases of importing countries under Article 4 (1) and the establishment of datum quantities of exporting and importing countries in subsequent crop years under Article 14, the Council shall keep records for each crop year of all commercial purchases made by importing countries from all sources and of all such purchases made from exporting countries.

(2) The Council shall also keep records so that at all times during a crop year a statement of the balance of commitment of each exporting country with respect to all importing countries and of the balance of entitlement of each importing country with respect to all exporting countries and to each such country is maintained. Statements of such balances shall, at intervals prescribed by the Council, be circulated to all exporting and importing countries.

(3) For the purposes of paragraph (2) of this Article and of Article 4 (1), commercial purchases by an importing country from an exporting country entered in the Council's records shall also be entered as against the obligations of exporting and importing countries under Articles 4 and 5 of this Agreement, or those obligations as adjusted under other Articles of this Agreement, if the loading period falls within the crop year and

(a) in the case of importing countries, the purchases are at prices not less than the minimum price, and

(b) in the case of exporting countries, the purchases are at prices within the price range including, for the purposes of Article 5, the maxi-

(Art. 15, contin. – Recording, Statement of balance)

imum price. However, if the importing and exporting country concerned so agree, purchases at prices above the maximum price shall also be entered as against the obligations of that exporting country. If any country considers its interests prejudiced by any such particular purchase, it may refer the matter to the Council which shall decide the issue.

Commercial purchases of wheat-flour entered in the Council's records shall also be entered as against the obligations of exporting and importing countries under the same conditions, provided that the price of such wheat-flour is consistent with a price of wheat which may be entered under this paragraph. In the case of durum wheats, a purchase entered in the Council's records shall count under this paragraph whether or not the price is within the price range.

(4) A purchase of wheat from an exporting country shall be eligible for entry in the Council's records in accordance with this Article, notwithstanding that the purchase has been made before the deposit of the instrument of acceptance of or accession to this Agreement by the country concerned.

(5) Provided that the conditions prescribed in paragraph (3) of this Article are satisfied, the Council may authorize purchases to be recorded for a crop year if (a) the loading period involved is within a reasonable time up to one month, to be decided by the Council, before the beginning or after the end of that crop year, and (b) the exporting and importing country concerned so agree.

(6) For the period of closed navigation between Fort William/Port Arthur and the Canadian Atlantic ports, a purchase shall, notwithstanding the provisions of paragraph (4) of Article 6, be eligible for entry in the Council's records against the obligations of the exporting country and the importing country concerned in accordance with this Article if it relates to

(a) Canadian wheat which is moved by an all-rail route from Fort William/Port Arthur to Canadian Atlantic ports, or

(b) United States wheat which, except for conditions beyond the control of the buyer and the seller, would be moved by lake and rail to United States Atlantic ports and which, because it cannot be so moved, is moved by an all-rail route to United States Atlantic ports,

provided that payment of the extra transportation cost thereby incurred is agreed between the buyer and the seller.

(7) The Council shall prescribe rules of procedure for the reporting and recording of all commercial purchases and special transactions. In those rules it shall prescribe the frequency and the manner in which those purchases and transactions shall be reported and shall prescribe the duties of exporting and importing countries with regard thereto. The Council shall also make provision for the amendment of any records or statements maintained by it, including provision for the settlement of any dispute arising in connexion therewith.

(8) Each exporting country and each importing country may be permitted, in the fulfilment of its obligations, a degree of tolerance to be prescribed by the Council for that country on the basis of the extent of those obligations and other relevant factors.

(*Art. 15, contin. - Recording, Statement of balance*)

(9) In order that as complete records as possible may be maintained and for the purposes of Article 21, the Council shall also keep separate records for each crop year of all special transactions entered into by any exporting or importing country.

Art. 16. Estimates of Requirements and Availability of Wheat. (1) By 15 September of each year, each importing country shall notify the Council of its provisional estimate of its commercial requirements of wheat from exporting countries in that crop year. Before 31 December of each year, each importing country shall notify the Council of any changes in this provisional estimate. Importing countries may notify the Council of any further changes they desire to make thereafter.

(2) By 1 October in the case of Northern Hemisphere countries and 1 January in the case of Southern Hemisphere countries, each exporting country shall notify the Council of its estimate of the wheat it will have available for export in that crop year. Exporting countries may notify the Council of any changes in this estimate they desire to make thereafter.

(3) All estimates notified to the Council shall be used for the purpose of the administration of the Agreement and may only be made available to exporting and importing countries on such conditions as the Council may prescribe. All estimates submitted in accordance with this Article shall in no way be binding.

(4) Exporting and importing countries shall be free to fulfil their obligations under this Agreement through private trade channels or otherwise. Nothing in this Agreement shall be construed to exempt any private trader from any laws or regulations to which he is otherwise subject.

(5) The Council may, at its discretion, require exporting and importing countries to co-operate together to ensure that an amount of wheat equal to not less than ten per cent. of the datum quantities of exporting countries for any crop year shall be available for purchase by importing countries under this Agreement after 28 February of that crop year.

PART V - CONSULTATIONS, PERFORMANCE, DEFAULTS AND SERIOUS PREJUDICE

Art. 17. Consultations. (1) In order to assist an exporting country in assessing the extent of its commitments if a maximum price declaration should be made and without prejudice to the rights enjoyed by any importing country, an exporting country may consult with an importing country regarding the extent to which the rights of that importing country under Articles 4 and 5 of this Agreement will be taken up in any crop year.

(2) Any exporting or importing country experiencing difficulty in making sales or purchases of wheat under Article 4 of this Agreement may refer the matter to the Council. In such a case the Council with a view to the satisfactory settlement of the matter shall consult with any exporting or importing country concerned and may make such recommendations as it considers appropriate.

(*Art. 17, contin. – Consultations*)

(3) If an importing country should find difficulty in obtaining its balance of entitlement in a crop year at prices not greater than the maximum price while a maximum price declaration is in effect, it may refer the matter to the Council. In such a case the Council shall investigate the situation and shall consult with exporting countries regarding the manner in which their obligations shall be carried out.

Art. 18. Performance under Articles 4 and 5. (1) The Council shall as soon as practicable after the end of each crop year review the performance of exporting and importing countries in relation to their obligations under Articles 4 and 5 of this Agreement during that crop year.

(2) For the purposes of this review the tolerances as specified by the Council under Article 15 shall apply.

(3) Upon application by an importing country in respect of the performance of its obligations in the crop year, the Council may take into account the wheat equivalent of flour purchased by it from another importing country provided it can be shown to the satisfaction of the Council that such flour was wholly milled from wheat purchased within the Agreement from exporting countries.

(4) In considering the performance of any importing country in relation to its obligations in the crop year, the Council shall also take account of any exceptional importation of wheat from other than exporting countries provided it can be shown to the satisfaction of the Council that such wheat has been or will be used only as feeding stuffs and that such importation was not at the expense of quantities normally purchased by that importing country from exporting countries. Any decision under this paragraph shall be by a majority of the votes held by exporting countries and a majority of the votes held by importing countries.

(5) In considering the performance of any importing country in relation to its obligations in the crop year the Council may also take account of any purchases by the country concerned of durum wheat from other importing countries which are traditional exporters of durum wheat.

Art. 19. Defaults under Article 4 or 5. (1) If, on the basis of the review made under Article 18, any country appears to be in default of its obligations under Article 4 or 5 of this Agreement, the Council shall decide what action should be taken.

(2) Before reaching a decision under this Article, the Council shall give any exporting or importing country concerned the opportunity to present any facts which it considers relevant.

(3) If the Council finds by a majority of the votes held by exporting countries and a majority of the votes held by importing countries that an exporting country or an importing country is in default under Article 4 or 5, it may by a similar vote deprive the country concerned of its voting rights for such period as the Council may determine, reduce the other rights of that country to the extent which is considers commensurate with the default, or expel that country from the Agreement.

(4) No action taken by the Council under this Article shall in any way

(*Art. 19, contin. - Defaults under Article 4 or 5*)

reduce the obligation of the country concerned in respect of its financial contributions to the Council except in the event that that country is expelled from the Agreement.

Art. 20. Action in Cases of Serious Prejudice. (1) Any exporting or importing country which considers that its interests as a party to this Agreement have been seriously prejudiced by actions of any one or more exporting or importing countries affecting the operation of the Agreement may bring the matter before the Council. In such a case, the Council shall immediately consult with the countries concerned in order to resolve the matter.

(2) If the matter is not resolved through such consultations, the Council may refer the matter to the Executive Committee or the Advisory Committee on Price Equivalents for urgent investigation and report. On receipt of any such report, the Council shall consider the matter further and, by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries, may make recommendations to the countries concerned.

(3) If, after action has or has not been taken, as the case may be, under paragraph (2) of this Article, the country concerned is not satisfied that the matter has been satisfactorily dealt with, it may apply to the Council for relief. The Council may, if it deems appropriate, relieve that country of part of its obligations for the crop year in question. Two-thirds of the votes held by the exporting countries and two-thirds of the votes held by the importing countries shall be required for a decision granting relief.

(4) If no relief is granted by the Council under paragraph (3) of this Article and the country concerned still considers that its interests as a party to this Agreement have suffered serious prejudice, it may withdraw from the Agreement at the end of the crop year by giving written notice to the Government of the United States of America. If the matter was brought before the Council in one crop year and the Council's consideration of the application for relief was concluded in the subsequent crop year the withdrawal of the country concerned may be effected within thirty days of such conclusion by giving similar notice.

PART VI - ANNUAL REVIEW

Art. 21. Annual Review of World Wheat Situation. (1) (a) Guided by the objectives of this Agreement as set forth in Article 1, the Council shall annually review the world wheat situation and shall inform exporting and importing countries of the effects upon the international trade in wheat of any of the facts which emerge from the review.

(b) The review shall be carried out in the light of information obtainable in relation to national production, stocks, prices, trade, including surplus disposals and special transactions, and any other facts which may appear relevant.

(c) To assist it in its review of surplus disposals, exporting and importing countries shall inform the Council of the measures taken by them to secure compliance with the following principles: that the solution to the

(Art. 21, contin. – Annual Review)

problems involved in the disposal of surpluses of wheat should be sought, wherever possible, through efforts to increase consumption; that disposals should take place in an orderly manner; and that, where surpluses are disposed of under special terms, exporting and importing countries concerned should undertake that such arrangements will be made without harmful interference with normal patterns of production and international commercial trade.

(d) Any exporting or importing country may for the purpose of the annual review submit to the Council any information which it considers relevant to the attainment of the objectives of this Agreement. Information so submitted shall be taken into account as appropriate by the Council in carrying out the annual review.

(2) The Council shall consider and inform exporting and importing countries of appropriate methods for encouraging the consumption of wheat. To this end the Council shall undertake studies of such matters as:

- (i) factors affecting the consumption of wheat in the various countries;
- (ii) means of promoting consumption, particularly in countries where the possibility of increased consumption exists.

Any exporting or importing country may submit to the Council information which it considers relevant to the attainment of this purpose.

(3) For the purposes of this Article, the Council shall pay due regard to work done by the Food and Agriculture Organization of the United Nations and other intergovernmental organizations, in particular to avoid duplication, and may, without prejudice to the generality of paragraph (1) of Article 33, make such arrangements regarding co-operation in any of its activities as it considers desirable with such intergovernmental organizations, and also with any Governments of Members of the United Nations or the specialized agencies not party to this Agreement which have a substantial interest in the international trade in wheat.

(4) Nothing in this Article shall prejudice the complete liberty of action of any exporting or importing country in the determination and administration of its internal agricultural and price policies.

PART VII – GENERAL ADMINISTRATION

Art. 22. Constitution of the Council. (1) The International Wheat Council, established by the International Wheat Agreement 1949, shall continue in being for the purpose of administering the present Agreement, with the membership, powers and functions provided in this Agreement.

(2) Each exporting country and each importing country shall be a voting member of the Council and may be represented at its meetings by one delegate, alternates, and advisers.

(3) Such intergovernmental organizations as the Council may decide to invite to any of its meetings may each have one non-voting representative in attendance at those meetings.

(4) The Council shall elect a non-voting Chairman and a Vice-Chairman

(Art. 22, contin. – Constitution of the Council)

who shall hold office for one crop year. The Vice-Chairman shall have no vote while acting as Chairman.

(5) The Council shall have in the territory of each exporting and importing country, to the extent consistent with its laws, such legal capacity as may be necessary for the exercise of its functions under this Agreement.

Art. 23. Powers and Functions of the Council. (1) The Council shall establish its rules of procedure.

(2) The Council shall keep such records as are required by the terms of this Agreement and may keep such other records as it considers desirable.

(3) The Council shall publish an annual report and may also publish any other information (including, in particular, its Annual Review or any part or summary thereof) concerning matters within the scope of this Agreement.

(4) In addition to the powers and functions specified in this Agreement, the Council shall have such other powers and perform such other functions as are necessary to carry out the terms of this Agreement.

(5) The Council may, by two-thirds of the votes cast by the exporting countries and two-thirds of the votes cast by the importing countries, delegate the exercise of any of its powers or functions. The Council may at any time revoke such delegation by a majority of the votes cast. Subject to the provisions of Article 13, any decision made under any powers or functions delegated by the Council in accordance with this paragraph shall be subject to review by the Council at the request of any exporting or importing country made within a period which the Council shall prescribe. Any decision, in respect of which no request for review has been made within the prescribed period, shall be binding on all exporting and importing countries.

(6) In order to enable the Council to discharge its functions under this Agreement, the exporting and importing countries undertake to make available and supply such statistics and information as are necessary for this purpose.

Art. 24. Votes of Exporting Countries. The votes to be exercised by the respective delegations of exporting countries on the Council shall be as follows:

Argentina	70
Australia	125
Canada	339
France	80
Italy	24
Mexico	4
Spain	4
Sweden	15
United States of America	339
Total	1,000

Art. 25. Votes of Importing Countries. The votes to be exercised by the respective delegations of importing countries on the Council shall be as follows:

(Art. 25, contin. – Votes of importing countries)

Austria	8
Belgium and Luxembourg, Belgian Congo and Ruanda Urundi	36
Brazil	15
Ceylon	18
Cuba	17
Denmark	10
Dominican Republic	3
Federal Republic of Germany	166
Greece	11
Haiti	4
India	36
Indonesia	11
Ireland	10
Israel	5
Japan	87
Korea	3
Kingdom of the Netherlands	60
New Zealand	21
Norway	13
Peru	4
Philippines	22
Portugal and Overseas Provinces	10
Federation of Rhodesia and Nyasaland	7
Saudi Arabia	6
Switzerland	27
Union of South Africa	16
United Arab Republic	10
United Kingdom (excluding territories)	347
Vatican City	1
Venezuela	16
Total	1,000

Art. 26. Redistribution of Votes. (1) Any exporting country may authorize any other exporting country, and any importing country may authorize any other importing country, to represent its interests and to exercise its votes at any meeting or meetings of the Council. Evidence of such authorization satisfactory to the Council shall be submitted to the Council.

(2) If at any Session of the Council an importing country or an exporting country is not represented by an accredited delegate and has not authorized another country to exercise its votes in accordance with paragraph (1) of this Article, the total votes to be exercised by the exporting countries shall be adjusted to a figure equal to the total of votes to be exercised at that Session by the importing countries and redistributed among exporting countries in proportion to their votes.

(3) Whenever the membership of this Agreement changes or when any country forfeits, is deprived of or recovers its votes under any provision of this Agreement, the Council shall redistribute the votes within either Article 24 or Article 25, as the case may be, proportionally to the number of votes held by each country listed in that Article.

(4) No exporting or importing country shall have less than one vote and there shall be no fractional votes.

Art. 27. Seat, Sessions, Quorum. (1) The seat of the Council shall be London unless the Council decides otherwise by a majority of the votes cast by the exporting countries and a majority of the votes cast by the importing countries.

(2) The Council shall meet at least once during each half of each crop year and at such other times as the Chairman may decide.

(3) The Chairman shall convene a Session of the Council if so requested by (a) five countries or (b) one or more countries holding a total of not less than ten per cent. of the total votes or (c) the Executive Committee.

(4) The presence of delegates with a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries prior to any adjustment of votes under Article 26 shall be necessary to constitute a quorum at any meeting of the Council.

Art. 28. Decisions. (1) Except where otherwise specified in this Agreement, decisions of the Council shall be by a majority of the total votes cast.

(2) Each exporting and importing country undertakes to accept as binding all decisions of the Council under the provisions of this Agreement.

Art. 29. Executive Committee. (1) The Council shall establish an Executive Committee. The members of the Executive Committee shall be not more than four exporting countries elected annually by the exporting countries and not more than eight importing countries elected annually by the importing countries. The Council shall appoint the Chairman of the Executive Committee and may appoint a Vice-Chairman.

(2) The Executive Committee shall be responsible to and work under the general direction of the Council. It shall have such powers and functions as are expressly assigned to it under this Agreement and such other powers and functions as the Council may delegate to it under paragraph (5) of Article 23.

(3) The exporting countries on the Executive Committee shall have the same total number of votes as the importing countries. The votes of the exporting countries on the Executive Committee shall be divided among them as they shall decide, provided that no such exporting country shall have more than forty per cent. of the total votes of those exporting countries. The votes of the importing countries on the Executive Committee shall be divided among them as they shall decide, provided that no such importing country shall have more than forty per cent. of the total votes of those importing countries.

(4) The Council shall prescribe rules of procedure regarding voting in the Executive Committee and may make such other provision regarding rules of procedure in the Executive Committee as it thinks fit. A decision of the Executive Committee shall require the same majority of votes as this Agreement prescribes for the Council when making a decision on a similar matter.

(5) Any exporting or importing country which is not a member of the Executive Committee may participate, without voting, in the discussion of any question before the Executive Committee whenever the latter considers that the interests of that country are affected.

Art. 30. Advisory Committee on Price Equivalents. (1) The Council shall establish an Advisory Committee on Price Equivalents consisting of representatives of not more than four exporting countries and of not more than four importing countries. The Chairman of the Advisory Committee shall be appointed by the Council.

(2) The Advisory Committee shall keep under continuous review current market conditions, including in particular the movement of prices, for wheat of all classes, types and grades and shall immediately inform the Council and the Executive Committee whenever in its opinion circumstances exist which are likely to or require that a declaration under Article 13 should be made or a meeting convened under paragraphs (1) or (2) of Article 7. With respect to the latter Article, the Advisory Committee shall have particular regard to circumstances which have brought about, or threaten to bring about, a serious fall in the price in any market of any class, type or grade of wheat in relation to the minimum price in that market for No. 1 Manitoba Northern wheat. The Advisory Committee shall, in the exercise of its functions under this paragraph, take into account any representations made by any exporting or importing country concerned.

(3) Whenever in the opinion of the Advisory Committee circumstances exist which require that a meeting of the Council be convened under paragraph (1) or (2) of Article 7 or whenever such a meeting is convened, it shall immediately advise the Council and the Executive Committee of any action with regard to the determination of allowances for differences of quality which it considers might suitably be taken to meet the situation.

(4) The Advisory Committee shall advise the Council and the Executive Committee on the matters referred to in paragraphs (5), (6) and (8) of Article 6 and paragraph (3) of Article 7 and on such other questions as the Council or the Executive Committee may refer to it.

Art. 31. The Secretariat. (1) The Council shall have a Secretariat consisting of an Executive Secretary, who shall be its chief administrative officer, and such staff as may be required for the work of the Council and its Committees.

(2) The Council shall appoint the Executive Secretary who shall be responsible for the performance of the duties devolving upon the Secretariat in the administration of this Agreement and for the performance of such other duties as are assigned to him by the Council and its Committees.

(3) The staff shall be appointed by the Executive Secretary in accordance with regulations established by the Council.

(4) It shall be a condition of employment of the Executive Secretary and of the staff that they do not hold or shall cease to hold financial interest in the trade in wheat and that they shall not seek or receive instructions regarding their duties under this Agreement from any Government or from any other Authority external to the Council.

Art. 32. Finance. (1) The expenses of delegations to the Council, of representatives on the Executive Committee, and of representative on the Advisory Committee on Price Equivalents shall be met by their respective Governments. The other expenses necessary for the ad-

(Art. 32, *contin.* – *Finance*)

ministration of this Agreement shall be met by annual contributions from the exporting and importing countries. The contribution of each such country for each crop year shall be in the proportion which the number of its votes bears to the total of the votes of the exporting and importing countries at the beginning of that crop year.

(2) At its first Session after this Agreement comes into force, the Council shall approve its budget for the period ending 31 July 1960 and assess the contribution to be paid by each exporting and importing country.

(3) The Council shall, at a Session during the second half of each crop year, approve its budget for the following crop year and assess the contribution to be paid by each exporting and importing country for that crop year.

(4) The initial contribution of any exporting or importing country acceding to this Agreement under paragraph (4) of Article 35 shall be assessed by the Council on the basis of the votes to be distributed to it and the period remaining in the current crop year, but the assessments made upon other exporting and importing countries for the current crop year shall not be altered.

(5) Contributions shall be payable immediately upon assessment. Any exporting or importing country failing to pay its contribution within one year of its assessment shall forfeit its voting rights until its contribution is paid, but shall not be relieved of its obligations under this Agreement, nor shall it be deprived of any of its rights under this Agreement unless the Council so decides by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries.

(6) The Council shall, each crop year, publish an audited statement of its receipts and expenditures in the previous crop year.

(7) The Government of the country where the seat of the Council is situated shall grant exemption from taxation on the salaries paid by the Council to its employees except that such exemption need not apply to the nationals of that country.

(8) The Council shall, prior to its dissolution, provide for the settlement of its liabilities and the disposal of its records and assets.

Art. 33. Co-operation with Other Intergovernmental Organizations. (1) The Council may make whatever arrangements are desirable for consultation and co-operation with the appropriate organs of the United Nations and its specialized agencies and with other intergovernmental organizations.

(2) If the Council finds that any terms of this Agreement are materially inconsistent with such requirements as may be laid down by the United Nations or through its appropriate organs and specialized agencies regarding intergovernmental commodity agreements, the inconsistency shall be deemed to be a circumstance affecting adversely the operation of this Agreement and the procedure prescribed in paragraphs (3), (4) and (5) of Article 36 shall be applied.

Art. 34. Disputes and Complaints. (1) Any dispute concerning the

(*Art. 34. contin. – Disputes and Complaints*)

interpretation or application of this Agreement other than a dispute under Article 18 or 19 which is not settled by negotiation shall, at the request of any country party to the dispute, be referred to the Council for decision.

(2) In any case where a dispute has been referred to the Council under paragraph (1) of this Article, a majority of countries, or any countries holding not less than one-third of the total votes, may require the Council, after full discussion, to seek the opinion of the advisory panel referred to in paragraph (3) of this Article on the issues in dispute before giving its decision.

(3) (a) Unless the Council unanimously agrees otherwise, the panel shall consist of:

(i) two persons, one having wide experience in matters of the kind in dispute and the other having legal standing and experience, nominated by the exporting countries;

(ii) two such persons nominated by the importing countries; and

(iii) a chairman selected unanimously by the four persons nominated under (i) and (ii) or, if they fail to agree, by the Chairman of the Council.

(b) Persons from countries whose Governments are parties to this Agreement shall be eligible to serve on the advisory panel, and persons appointed to the advisory panel shall act in their personal capacities and without instructions from any Government.

(c) The expenses of the advisory panel shall be paid by the Council.

(4) The opinion of the advisory panel and the reasons therefor shall be submitted to the Council which, after considering all the relevant information, shall decide the dispute.

(5) Any complaint that any exporting or importing country has failed to fulfil its obligations under this Agreement shall, at the request of the country making the complaint, be referred to the Council which shall make a decision on the matter.

(6) Subject to the provisions of Article 19, no exporting or importing country shall be found to have committed a breach of this Agreement except by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries. Any finding that an exporting or importing country is in breach of this Agreement shall specify the nature of the breach and if the breach involves default by that country in its obligations under Articles 4 or 5 of this Agreement, the extent of such default.

(7) Subject to the provisions of Article 19, if the Council finds that an exporting country or an importing country has committed a breach of this Agreement it may, by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries, deprive the country concerned of its voting rights until it fulfils its obligations or expel that country from the Agreement.

PART VIII – FINAL PROVISIONS

Art. 35. Signature, Acceptance, Accession, Entry into Force. (1) This Agreement shall remain open for signature in Washington from 6 April

(*Art. 35, contin. – Signature, Acceptance etc.*)

1959 until and including 24 April 1959 by the Governments of the countries listed in Articles 24 and 25.

(2) This Agreement shall be subject to acceptance by the signatory Governments in accordance with their respective constitutional procedures. Subject to the provisions of paragraphs (6) and (8) of this Article, instruments of acceptance shall be deposited with the Government of the United States of America not later than 16 July 1959.

(3) This Agreement shall be open for accession by any Government of a country listed in Articles 24 and 25. Subject to the provisions of paragraphs (6) and (8) of this Article, instruments of accession shall be deposited with the Government of the United States of America not later than 16 July 1959.

(4) The Council may, by two-thirds of the votes cast by exporting countries and by two-thirds of the votes cast by importing countries, approve accession to this Agreement by the Government of any Member of the United Nations or the specialized agencies or by any Government invited to the United Nations Wheat Conference 1958–1959 but which is not listed in Article 24 or 25 and prescribe conditions for such accession, and in such a case the Council shall establish the relevant datum quantities in accordance with Articles 12 and 14. However, in the case of any Government which was on 31 July 1959 a party to the International Wheat Agreement 1956 and which seeks before 1 December 1959 to accede to this Agreement, any decision under this paragraph shall require only a majority of the votes cast by exporting countries and a majority of votes cast by importing countries. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America.

(5) Part I and Parts III to VIII of this Agreement shall enter into force on 16 July 1959 and Part II on 1 August 1959 between those Governments which have by 16 July 1959 accepted or acceded under paragraphs (2), (3) or (6) of this Article, provided that such Governments hold not less than two-thirds of the votes of exporting countries and not less than two-thirds of the votes of importing countries in accordance with the distribution established in Articles 24 and 25.

(6) A notification by any signatory Government or by any Government entitled to accede to this Agreement under paragraph (3) of this Article to the Government of the United States of America on or before 16 July 1959 of an intention to accept or accede to this Agreement, followed by the deposit of an instrument of acceptance or accession not later than 1 December 1959 in fulfilment of that intention, shall be deemed to constitute acceptance or accession on 16 July 1959 for the purposes of this Article.

(7) If by 16 July 1959 the conditions laid down in the preceding paragraphs for the entry into force of this Agreement are not fulfilled, the Governments of those countries which by that date have accepted or acceded to this Agreement in accordance with paragraphs (2), (3) or (6) of this Article may decide by mutual consent that it shall enter into force

(*Art. 35, contin. – Signature, Acceptance etc.*)

among them, or they may take whatever other action they consider the situation requires.

(8) Any Government which has not accepted or acceded to this Agreement by 16 July 1959 in accordance with paragraphs (2), (3) or (6) of this Article may be granted by the Council an extension of time for depositing its instrument of acceptance or accession. If that Government has made no notification in accordance with paragraph (6) of this Article, Part I and Parts III to VIII of this Agreement shall enter into force for that Government on the date of deposit of its instrument, and Part II shall enter into force for it on 1 August 1959 or on the date of deposit of its instrument, whichever is the later.

(9) Where, for the purposes of the operation of this Agreement, reference is made to countries listed or included in particular Articles or in any Annex, any country the Government of which has acceded to this Agreement on conditions prescribed by the Council in accordance with paragraph (4) of this Article shall be deemed to be listed or included in those Articles or in that Annex accordingly.

(10) The Government of the United States of America will notify all signatory and acceding Governments of each signature, acceptance of and accession to this Agreement and of all notifications made in accordance with paragraph (6) of this Article.

Art. 36. Duration, Amendment, Withdrawal and Termination. (1) This Agreement shall remain in force until and including 31 July 1962.

(2) The Council shall, at such time as it considers appropriate, communicate to the exporting and importing countries its recommendations regarding renewal or replacement of this Agreement. The Council may invite any Government of a Member of the United Nations or the specialized agencies not party to this Agreement which has a substantial interest in the international trade in wheat to participate in any of its discussions under this paragraph.

(3) The Council may, by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries, recommend an amendment of this Agreement to the exporting and importing countries.

(4) The Council may fix a time within which each exporting and importing country shall notify the Government of the United States of America whether or not it accepts the amendment. The amendment shall become effective upon its acceptance by exporting countries which hold two-thirds of the votes of the exporting countries and by importing countries which hold two-thirds of the votes of the importing countries.

(5) Any exporting or importing country which has not notified the Government of the United States of America of its acceptance of an amendment by the date on which such amendment becomes effective may, after giving such written notice of withdrawal to the Government of the United States of America as the Council may require in each case, withdraw from this Agreement at the end of the current crop year, but shall not thereby be released from any obligations under this Agreement which have not been discharged by the end of that crop year.

(6) Any exporting country which considers its interests to be seriously prejudiced by the non-participation in or withdrawal from this Agreement of any country listed in Article 25 holding not less than five per cent. of the votes distributed in that Article, or any importing country which considers its interests to be seriously prejudiced by the non-participation in or withdrawal from the Agreement of any country listed in Article 24 holding not less than five per cent. of the votes distributed in that Article, may withdraw from this Agreement by giving written notice of withdrawal to the Government of the United States of America before 1 August 1959. If a notification has been made under paragraph (6) of Article 35 or an extension of time has been granted by the Council under paragraph (8) of that Article, notice of withdrawal in accordance with this paragraph may be given before 15 December 1959 or before the expiry of 14 days after the extension granted, as the case may be.

(7) Any exporting or importing country which considers its national security to be endangered by the outbreak of hostilities may withdraw from this Agreement by giving thirty days' written notice of withdrawal to the Government of the United States of America or may apply in the first instance to the Council for the suspension of some or all of its obligations under this Agreement.

(8) The Government of the United States of America will inform all signatory and acceding Governments of each notification and notice received under this Article.

Art. 37. Territorial Application. (1) Any Government may, at the time of signature or acceptance of or accession to this Agreement, declare that its rights and obligations under this Agreement shall not apply in respect of all or any of the non-metropolitan territories for the international relations of which it is responsible.

(2) With the exception of territories in respect of which a declaration has been made in accordance with paragraph (1) of this Article, the rights and obligations of any Government under this Agreement shall apply in respect of all non-metropolitan territories for the international relations of which that Government is responsible.

(3) Any Government may, at any time after its acceptance of or accession to this Agreement, by notification to the Government of the United States of America, declare that its rights and obligations under the Agreement shall apply in respect of all or any of the non-metropolitan territories regarding which it has made a declaration in accordance with paragraph (1) of this Article.

(4) Any Government may, by giving notification of withdrawal to the Government of the United States of America, withdraw from this Agreement separately in respect of all or any of the non-metropolitan territories for whose international relations it is responsible.

(5) For the purposes of the establishment of datum quantities under Article 14 and the redistribution of votes under Article 26, any change in the application of this Agreement in accordance with this Article shall be regarded as a change of membership in such manner as may be appropriate to the circumstances.

(6) The Government of the United States of America will inform all signatory and acceding Governments of any declaration or notification made under this Article.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments, have signed this Agreement on the dates appearing opposite their signature.

The texts of this Agreement in the English, French and Spanish languages shall all be equally authentic, the original to be deposited in the archives of the Government of the United States of America, which shall transmit certified copies thereof to each signatory and acceding Government.

ANNEX

For the purposes of paragraph (1) of Article 4 of this Agreement, the percentages referred to in that paragraph are set out below against the name of each importing country:

Austria	45
Belgium and Luxembourg	80
Brazil	50
Ceylon	80
Cuba	90
Denmark	60
Dominican Republic	90
Federal Republic of Germany	70
Greece	50
Haiti	90
India	70
Indonesia	70
Ireland	90
Israel	60
Japan	50
Korea	90
Kingdom of the Netherlands	75
New Zealand	90
Norway	60
Peru	70
Philippines	70
Portugal	85
Federation of Rhodesia and Nyasaland	90
Saudi Arabia	70
Switzerland	80
Union of South Africa	90
United Arab Republic	30
United Kingdom	80
Vatican City	100
Venezuela	70

(Here follow the signatures.)

INTERNATIONAL WINE OFFICE

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This organization was established by an Arrangement dated November 29, 1924 concluded between the governments of France, Greece, Hungary, Italy, Luxembourg, Portugal, Spain and Tunisia. It began operations in 1928. The Arrangement is open to accession and may be denounced with six months' notice.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

The International Office serves as a center of study and information for scientific, technical and juridical aspects relating to the protection and amelioration of viticulture.² It makes proposals to Governments concerning appellations of origin, guarantees of purity and the repression of unfair practises.³

ORGANS

The organs are:

- (1) The Committee, composed of delegates of participating governments with a system of weighted voting in accordance with contributions.⁴
- (2) The Bureau, composed of a chairman and four vice-chairmen elected by the Committee.⁴
- (3) Three permanent technical Commissions (Viticulture, Oenology, Economic Affairs).
- (4) The Staff with a Director, elected by the Committee.⁵

MEMBERSHIP

The members are Argentina, Austria, Bulgaria, Chile, Czechoslovakia, France, Germany, Greece, Hungary, Italy, Luxembourg, Morocco, Portugal, Roumania, Spain, Switzerland, Tunisia, Turkey, USSR, Ukraine, Yugoslavia.

¹ Arrangement, Art. 6, 8.

² Id., Art. 1.

³ Id., Arts. 4, 5.

⁴ Id., Art. 3. The International Office advises that the number of Vice-Chairmen is four, rather than the two provided in the Arrangement.

⁵ Id., Art. 4.

MEANS OF FINANCIAL SUPPORT

The organization is supported by contributions of members.¹

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has relations with the Food and Agriculture Organization, the European and Mediterranean Plant Protection Organization, the International Unions for the Protection of Industrial Property and of Literary and Artistic Works.

HEADQUARTERS

The headquarters are at 11 Rue Roquépine, Paris.

Id., Art. 5.

ARRANGEMENT FOR THE CREATION IN PARIS OF AN INTERNATIONAL WINE OFFICE¹

November 29, 1924

The Governments of Spain, France, Greece, Hungary, Italy, Luxembourg, Portugal and Tunisia, considering that it would be useful to organize an international wine office, have resolved to conclude an Arrangement for this purpose and have agreed as follows:

Art. 1. An International Wine Office is hereby established having its seat in Paris and entrusted with:

(a) The collection, study and publication of information of a nature to demonstrate the beneficial effects of wine;

(b) The drawing up of a suggested program of new scientific experiments which it would be useful to undertake in order to demonstrate the hygienic qualities of wine and its influence as an agent in the fight against alcoholism;

(c) Suggesting to adhering Governments measures for the protection of viticultural interests and the amelioration of conditions in the international wine market, after amassing all necessary information such as petitions, opinions expressed by academies, learned societies, international congresses or other congresses for the production and marketing of wine;

(d) Indicating to Governments those international conventions to which it would be useful to adhere, for instance 1) conventions to assure a uniform method of presenting the results of the analysis of wines; 2) conventions to provide for a comparative study of the methods of analysis used by the different States in order to establish tables of concordance;

(e) Submitting to Governments all proposals which might ensure, in the interest of the consumer as well as of the producer,

(1) protection of appellations of origin of wines;

(2) guarantees of purity and authenticity of products up to the time of their sale to the consumer by all appropriate measures, and especially by certificates of origin delivered in conformity with national laws;

(3) repression of frauds and unfair competition by seizure of products offered in a manner contrary to the law, and by civil and correctional actions, individual or collective, to forbid illegal practices, to indemnify the interests affected, and to punish the authors of frauds;

(f) Undertaking, in accordance with the legislation of each country, all appropriate initiatives to develop the trade in wine, and communicating to private, national or international organizations, as well as to interested

¹ Authentic French text supplied by the International Wine Office. Translation by D. P. Xydis.

persons who so request, the information and documentation necessary to such initiatives.

Art. 2. The International Wine Office is a State institution in which each adhering country shall be represented by the delegates of its choice.

The meeting of the delegates shall constitute the Committee whose composition and powers are set forth in the following articles.

Art. 3. The Committee shall elect each year from among its members a bureau which shall comprise a chairman and two vice-chairmen. Their term shall last until the first session of the following year. They may be re-elected. Sessions shall take place twice a year. Extraordinary sessions may take place at the request of one of the Governments adhering to the Office.

The program of matters to be submitted to the Committee at ordinary sessions shall be drawn up by the Committee during the preceding session. Any Government requesting a special session shall indicate the matters it proposes for examination.

Art. 4. The overall direction of the International Wine Office shall be in charge of the Committee. It shall discuss and adopt rules relating to the organization and internal working of the Office. It shall draw up the budget of receipts and expenses within the limits of existing credits and shall supervise and approve the accounts.

It shall present for the approval of the adhering Governments any modifications leading to an increase in expenses or an extension of the powers of the Office.

It shall appoint and dismiss the Director. On the proposal of the latter, the Bureau shall appoint and dismiss officials and employees.

The effective presence at sessions of the delegates of one third of the adhering countries, representing at least two-thirds of the votes, shall be required for deliberations to have validity. A country may entrust its representation to the delegation of another adhering country but no delegation may represent more than one country other than itself.

Art. 5. Each adhering country may freely decide the number of its delegates but may only have the number of votes equal to the units of assessment which it contributes.

Each adhering country may contribute up to five units of the assessment. The unit of assessment shall be fixed as 3000 gold francs.

However, a group composed of a Power, its colonies, possessions, dominions, protectorates and mandates, may in no circumstances have more than five votes. The same applies to groups formed by the colonies, possessions, dominions, protectorates and countries of a non adhering Power.

The contributions of each adhering country shall be paid into the Office at the beginning of each year.

Art. 6. Any non-signatory of the present Arrangement may adhere thereto by notifying its request for adherence through its diplomatic representative with the French Government. The latter shall forward the request to the Governments of the other participating States. Adherence shall take effect if the majority of those States indicate their consent within a period of six months from the making of the request.

Art. 7. Without prejudice to the provisions of paragraph 2 of Article 4 above, revision of the present Arrangement shall be undertaken as of right if at least two-thirds of the adhering countries approve a request for revision. In such case, a Conference of the adhering countries shall be called by the French Government within a period of six months. Its program shall be communicated to the adhering Governments at least two months before the meeting of the Conference. The Conference convened in this way shall fix its own procedure. The Director of the Office shall act as Secretary General.

Art. 8. Each of the adhering Governments may denounce the present Arrangement, in so far as it is concerned, with six months notice. Non-payment of two consecutive contributions shall be considered as implying denunciation.

Art. 9. The present Arrangement shall be ratified. It will enter into effect when five of the signatory countries have deposited their ratifications. Each Power shall address its ratification, as soon as possible, to the French Government whose care it will be to advise the other signatory countries thereof.

These ratifications shall be deposited in the archives of the French Government.

Done in Paris, November 29, 1924, in a single copy which shall be deposited in the Archives of the French Government and certified copies of which shall be sent to the contracting Parties.

The original copy, dated as above, may be signed up to March 31, 1925.

In faith whereof the countries set out below have drawn up the present Arrangement and affixed their signatures.

BIBLIOGRAPHY

Monthly Bulletin, Annuaire, Lexique (in four languages) *des termes techniques de la viticulture et de l'oenologie, Atlas mondial de la Vigne et du Vin* – all published by the International Office.

INTERNATIONAL WOOL STUDY GROUP

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The International Wool Study Group was established pursuant to a resolution of a Conference of representatives of Argentina, Australia, Belgium, Canada, China, France, India, Italy, New Zealand, South Africa, the United Kingdom, the United States and Uruguay, and of representatives of the United Nations and the UK-Dominion Wool Disposals Ltd (whose task it had been to dispose of the accumulated wartime wool surplus), held in London November 1946. Terms of Reference for the Study Group were adopted at its first meeting in London in March-April 1947. Paragraph 8 provides that "The Group will continue to function during such periods as in the opinion of the participating governments it continues to serve the purpose for which it is designed."

Prior to that an "International Wool Secretariat" had been established in 1937 by the Governments of Australia, New Zealand, and South Africa at the request of growers, for the purpose of undertaking research and publicity regarding relevant matters of mutual concern.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes of the Study Group are to collect and collate statistics relating to the world supply of and demand for wool, to keep developments in the world wool situation under review and to consider possible solutions to any problems or difficulties which are unlikely to be resolved in the ordinary course of world trade in wool.¹

ORGANS

The organs are:

- (1) The Study Group which meets periodically in plenary session.
- (2) A technical Committee, appointed at the First Plenary Session,

¹ Terms of Reference, paras. 3, 4, 5, 7.

which meets every three months, composed of representatives of Australia, United Kingdom, United States, Commonwealth Economic Committee, FAO, the International Wool Secretariat, New Zealand Wool Commission, the UK Wool Textile Delegation and the International Wool Textile Organization.

(3) A Management Committee, appointed at the Third Session to act as a steering Committee between sessions of the Group, composed of representatives of four exporting and six importing countries.

MEMBERSHIP

The Group is composed of "countries which are substantially interested in the production, consumption or trade in Wool.¹ The following countries have participated in the Study Group: Afghanistan, Argentina, Australia, Belgium, Canada, Colombia, Cuba, Czechoslovakia, Finland, France, Germany, Greece, India, Iran, Israel, Italy, Japan, Lebanon, Mexico, Netherlands, New Zealand, Pakistan, Paraguay, Portugal, Spain, Sweden, Switzerland, Syria, Turkey, Union of South Africa, United Kingdom, United States, Uruguay. The Management Committee is composed of Argentina, Australia, Belgium, France, Germany, Italy, New Zealand, Union of South Africa, United Kingdom, United States.

MEANS OF FINANCIAL SUPPORT

Members of the Group "contribute on a basis to be mutually agreed to the necessary expenses."² The secretariat is provided by the United Kingdom Government.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has working relations with the Food and Agriculture Organization, the OEEC, and the Commonwealth Economic Committee.

HEADQUARTER

The headquarters are at the Board of Trade, Horse Guards Avenue, London.

¹ Id., Para. 1.

² Id., Para. 7.

INTERNATIONAL WOOL STUDY GROUP

1947

Terms of reference¹ adopted at first meeting

1. The Wool Study Group shall comprise representatives of the countries which are substantially interested in the production, consumption or trade in Wool.

2. The Group shall meet at times and places mutually convenient to the members for the purpose of discussing common problems in connection with the production, consumption and trade in Wool.

3. The Group shall be free to make such studies of the world wool position as it sees fit, having regard especially to the desirability of providing continuous accurate information regarding the supply and demand position and its probable development; making use of existing sources so far as practicable.

4. The group shall take into account, in its investigations regarding the development of the world wool situation, the desirability of measures designed to stimulate the world consumption of wool.

5. It shall be the responsibility of the Group to consider possible solutions to any problems or difficulties which are unlikely to be resolved by the ordinary development of world trade in wool.

6. The Group may formulate and transmit recommendations to the participating Governments.

7. The Group shall arrange for the collation or collection of necessary statistics using for this purpose existing sources so far as practicable and may establish such permanent secretarial assistance as it deems necessary for the proper conduct of its work. Countries being members of the Group shall contribute on a basis to be mutually agreed to the necessary expenses.

8. The Group will continue to function during such periods as in the opinion of the participating Governments it continues to serve the purpose for which it is designed.

9. Arrangements will be made for other interested Governments to be kept informed of the studies and of the result of the discussions as far as practicable.

¹ Text supplied by the Secretariat.

INTER-PARLIAMENTARY UNION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Inter-Parliamentary Union was organized in 1889. Its first meeting was held in 1892. Statutory authority for United States participation is contained in an Act of Congress of June 28, 1935, as amended by Public Law 409, 80th Congress, approved February 6, 1948.

It is listed by the United Nations as a "non-governmental" organization in relation, as such, with the Economic and Social Council.

This organization is not the creation of any intergovernmental treaty or agreement. It is frequently listed as though it were an intergovernmental body and it does have governmental financial support. It describes itself as in "international association of a semi-official character."

The idea of calling upon all members of Parliament to work together for peace and understanding between the nations originated during the second half of the nineteenth century and a meeting in 1888 between members of the British House of Commons and the French Chamber of Deputies gave more concrete form to these aspirations. The first true Inter-Parliamentary Conference was held in 1889, and in 1895 the Fifth Inter-Parliamentary Conference adopted the Statutes of an Inter-Parliamentary Bureau for International Arbitration. The present Statutes of the Union were adopted at Vienna in 1922 and amended in 1923, 1924, 1928, 1931, 1947, 1955, 1956 and 1959.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Union's aim is to promote personal contacts between members of Parliaments and to unite them in common action with a view to strengthening and developing democratic institutions, to advance work on behalf of peace and international collaboration, to contribute to the development and progress of parliamentary institutions.¹

ORGANS

The organs are:

- (1) The Inter-Parliamentary Conference which meets annually, com-

¹ Statutes, Art. 1.

posed of delegates nominated by the National Groups, the number of delegates equalling the number of votes, based upon population of each Group.¹

(2) The Council composed of two delegates from each member Group, who must be sitting members of Parliament.²

(3) The Executive Committee composed of nine members belonging to different Groups elected by the Conference from among the members of the Council.³

(4) The Bureau under a Secretary-General appointed by the Council.⁴

MEMBERSHIP

Its members are "National Groups constituted in Parliaments functioning as such within the territory of which they represent the population, in a state recognized as a subject of international law" ⁵ from the Parliaments of Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Ceylon, Chile, Czechoslovakia, Denmark, Finland, France, Germany, Ghana, Greece, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq,⁶ Ireland, Israel, Italy, Japan, Laos, Lebanon, Liberia, Libya, Luxembourg, Monaco,⁶ Netherlands, Norway, Pakistan,⁶ Panama, Paraguay, Peru, Philippines, Poland, Roumania, Spain, Sudan,⁶ Sweden, Switzerland, Thailand, Tunisia, Turkey, USSR, United Kingdom, United States, United Arab Republic, Vietnam, Yugoslavia.

MEANS OF FINANCIAL SUPPORT

Its expenses are met by contributions of members and the sale of publications.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has relations with the United Nations, UNESCO, ILO, WHO, the Council of Europe, the European Assembly (of the three European Communities), and the OAS.

HEADQUARTERS

Its headquarters are at 6 Rue Constantin, Geneva.

¹ Id., Art. 6, 7, 10.

² Id., Art. 13.

³ Id., Art. 17.

⁴ Id., Art. 18.

⁵ Id., Art. 3.

⁶ Membership in suspense.

INTER-PARLIAMENTARY UNION

STATUTES¹

1922 as amended to 1959

I. Its Purpose and Constitution

Art. 1. The aim of the Inter-Parliamentary Union is to promote personal contacts between members of all Parliaments, constituted into National Groups, and to unite them in common action to secure and maintain the full participation of their respective states in the firm establishment and development of democratic institutions and in the advancement of the work of international peace and co-operation, particularly by means of a universal organization of nations. With this object in view, the Inter-Parliamentary Union will also study and seek solutions for all questions of an international character suitable for settlement by parliamentary action and shall make suggestions for the development of parliamentary institutions, with a view to improving the working of those institutions and increasing their prestige.

Art. 2. The Headquarters of the Inter-Parliamentary Union shall be at Geneva.

Art. 3. The Inter-Parliamentary Union shall be composed of National Groups constituted in Parliaments functioning as such within the territory of which they represent the population, in a state recognized as a subject of international law.

A Parliament may constitute itself a National Group of the Union.

Groups constituted within Parliaments of states not represented in any other Parliament have the right to join the Inter-Parliamentary Union.

One National Group only may be formed in each Parliament. Each Group shall elect a Committee, with power to direct its operations and to correspond with the Inter-Parliamentary Bureau. It shall draw up its own rules of organization and administration and fix the amount of the annual contribution, if any, of its members. It shall send to the Inter-Parliamentary Bureau, before the end of March of each year, a report of its activities and a list of its members.

At the time of creation of new Groups, it will be the responsibility of the Executive Committee to determine whether the foregoing conditions are fulfilled and to inform the Inter-Parliamentary Council of its conclusions, but it will be for the Council to decide on the admissibility of any new Group.

It is the duty of every National Group to make a financial contribution to the Union.

Art. 4. The following are entitled to become members of a National Group:

- (a) Members of the national Parliament of their country;
- (b) Ex-members of Parliament, who are or have been members of the

¹ Published and supplied by the Inter-Parliamentary Bureau.

Inter-Parliamentary Council, or who have rendered distinguished services to the Union and are admitted on this ground by the Council, on the recommendation of their Group, as honorary members of the latter.

Every member of Parliament who joins the Group formed within his Parliament, in so doing signifies his assent to the aim of the Union as defined in Article 1 of the Statutes.

Art. 5. It is the duty of a National Group to keep its Parliament informed, through its Committee or through one of its members, of resolutions adopted at the Conferences which call for parliamentary or governmental action and, not later than one month before the next following annual Conference, to report to the Bureau of the Inter-Parliamentary Union as to the action taken thereon.

II. Inter-Parliamentary Conferences

Art. 6. The Inter-Parliamentary Union shall meet in Conference once a year, unless it be otherwise decided.

The Inter-Parliamentary Council (III) shall summon the Conference and shall select the place where the meeting is to be held.

Art. 7. Conferences shall be composed of delegates nominated by the Groups. Each Group shall nominate a number of delegates equal to the number of votes to which it is entitled under Article 10.

The Council may, however, decide that any member of a National Group may attend a Conference and take part in the debates if the Group of the country in which the Conference is to meet so request and if special circumstances render such a decision desirable.

Art. 8. Conferences shall be opened by the President of the Council or, in his absence, by a provisional President chosen for that purpose by the Inter-Parliamentary Group of the country in which the Conference is held. The latter shall choose its own President, Vice-Presidents and Tellers.

Art. 9. Discussions shall be confined to the subjects placed on the agenda by the Inter-Parliamentary Council.

All other motions and proposals shall be discussed only if the Conference, by a two-thirds majority, decide to take them into consideration and to authorize the discussion, after having heard the opinion of the Council and a summary explanation from the originators of the motion.

Art. 10. Only members of the Union present in person have the right to vote.

The number of votes to which each Group is entitled is determined according to the following rules:

(a) Each Group shall have a minimum of eight votes.

(b) The Groups of countries having a population of from

1 to	5 million inhabitants shall have	1 extra vote
5 to 10	„ „ „ „	2 „ votes
10 to 20	„ „ „ „	3 „ „
20 to 30	„ „ „ „	4 „ „
30 to 40	„ „ „ „	5 „ „
40 to 50	„ „ „ „	6 „ „

50 to 60	million inhabitants shall have 1 extra votes					
60 to 80	"	"	"	"	8	"
80 to 100	"	"	"	"	9	"
100 to 150	"	"	"	"	10	"
150 to 200	"	"	"	"	11	"
more than 200	"	"	"	"	12	"

(c) Finally, Groups consisting of at least 50 per cent of the members of the Lower House of Parliament shall be entitled to one extra vote if that House has less than a hundred members; two extra votes if that House has a hundred members or more.

The Council, when summoning the Conference, shall inform the various Groups of the number of votes to which they are entitled.

If necessary, the members of each Group taking part in the Conference shall nominate those amongst them who are to exercise the right of voting. These nominations shall be made according to a system of proportional representation. No one member may record more than five votes.

Art. 11. Voting shall be by show of hands. Every member present at a Conference shall have the right to demand voting by roll-call. The result of such voting shall be inserted in the Minutes.

For the election of officers, voting shall be by secret ballot, if not less than twenty members so demand.

Art. 12. The Proceedings of the Conference shall be kept in the archives of the Inter-Parliamentary Bureau, together with all documents distributed.

III. Inter-Parliamentary Council

Art. 13. The Inter-Parliamentary Council shall be composed of two members delegated by each regularly constituted National Group at least one month before the opening of the Conference. These appointments shall be communicated to the Inter-Parliamentary Bureau, and by the latter to the Conference. The term of office of a member of the Council shall last from one Conference to the following.

All the members of the Council must be sitting members of Parliament.

In case of the death or absence of any member, the Group which he represents shall appoint a substitute.

Art. 14. The Inter-Parliamentary Council shall elect its President for a period of three years. This term of office may be extended for a further period of two years.

The election shall take place during an Inter-Parliamentary Conference.

Art. 15. The attributes of the Council shall be the following:

1. It shall fix its own rules;
2. It shall admit as members of the Union ex-members of Parliament who are proposed by their respective Groups (Art. 4);
3. It shall summon Inter-Parliamentary Conferences;
4. It shall fix the agenda of Conferences and may itself propose resolutions. All other draft resolutions to be laid before the Conference

shall be submitted to the Council. Any one of its members may move that the Council shall propose to the Conference the acceptance, amendment or rejection of a draft resolution not submitted by a Study Committee;

5. It shall institute permanent or temporary Study Committees;

6. It shall express its opinion with regard to proposals to alter the Statutes;

7. It shall propose to the Conference the President and Vice-Presidents of Conferences;

8. It shall propose the members of the Executive Committee;

9. It shall select the place of meeting of Conferences (Art. 6);

10. It shall appoint the Secretary General of the Union;

11. It shall authorize the acceptance of donations and legacies;

12. It shall fix the amount of the annual budget of receipts and expenditure;

13. Each year it shall appoint two Auditors from among its members and, on their proposal, approve the accounts for the previous financial period;

14. It shall, in general, take any steps necessary to realize the aims of the Inter-Parliamentary Union. It may, in particular, in the interval between Conferences, make a public declaration of opinion in the name of the Union with regard to international problems which, in accordance with Article 1 of the Statutes, come within the field of action of the Union.

IV. Executive Committee

Art. 16. The administrative organ of the Inter-Parliamentary Union shall be the Executive Committee. It shall exercise the powers delegated to it by the Council, in accordance with the Statutes.

Art. 17. The Executive Committee shall be composed of nine members belonging to different Groups.

The President of the Council shall be *ex officio* member and President of the Executive Committee.

Eight members shall be elected by the Conference from among the members of the Inter-Parliamentary Council.

In accordance with Article 15, paragraph 8, of the Statutes, only candidates proposed by the Council shall be eligible for election to the Executive Committee by the Conference.

Before being considered by the Council, candidates must formally indicate to the Council that they would accept the mandate if elected.

In elections to the Executive Committee, consideration shall be given to the contribution made to the work of the Union by the candidate and his Group, and an endeavor will be made to ensure a fair geographical distribution.

Members other than the President are elected for a term of four years. Two shall retire in rotation each year. A retiring member shall not be eligible for re-election for two years and shall be replaced by a member belonging to another Group.

In years when no Conference is held the Council shall elect the new member.

In case of the death, resignation or loss of parliamentary mandate of a member of the Committee, or of his election as President of the Council, the Council shall designate a successor who shall remain a member until the next Conference only, when an election shall be held. The new member shall take the place of the member whom he has succeeded in the order of retirement.

The Executive Committee shall fix its own regulations. In case of emergency it may summon the Council.

The Executive Committee shall entrust to the Inter-Parliamentary Bureau the execution of the decisions taken by a Conference or by the Council.

V. Inter-Parliamentary Bureau

Art. 18. The functions of the Inter-Parliamentary Bureau shall be as follows:

1. It shall keep lists of the members of the National Groups and encourage their formation;

2. It shall be the central office of the National Inter-Parliamentary Groups in all that concerns their mutual relations;

3. It shall prepare the questions to be submitted to the Council and to Conferences and distribute the necessary documents in good time;

4. It shall provide for the execution of the decisions of the Council and of Conferences;

5. It shall keep the archives of the Union and collect documents relating to international arbitration and other documents regarding the objects of the Union.

The direction of the Bureau shall be entrusted to a paid Secretary General appointed by the Council.

VI. Amendments to the Statutes

Art. 19. Proposals to alter the Statutes must be made formally in writing and sent to the Inter-Parliamentary Bureau at least three months before the meeting of a Conference. The Bureau shall communicate them immediately to the different National Groups. The Bureau shall also, if need be, communicate to the Groups any counter-proposals at least one month before the meeting of the Conference.

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JOINT INSTITUTE FOR NUCLEAR RESEARCH

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This Organization was established by an Agreement signed in Moscow on March 26, 1956, by the representatives of eleven governments.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes of the Organization are to ensure common research in nuclear physics by scientists of member states and the exchange of experience and achievement, to maintain contact with national and international research in developing nuclear physics and in connection with peaceful uses of atomic energy.

ORGANS

The organs are:

- (1) A Council of Representatives.
- (2) A Scientific Council composed of three representatives from each member.
- (3) a Director and Staff.

MEMBERSHIP

The members are Albania, Bulgaria, China, Czechoslovakia, German Democratic Republic, Hungary, Korea, Mongolia, Poland, Roumania, Vietnam, USSR.

MEANS OF FINANCIAL SUPPORT

It is supported by contributions from member states.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It exchanges information with the European Organization for Nuclear Research (CERN).

HEADQUARTERS

Its headquarters are at Dubna near Moscow, address, Head Post Office Box No. 79, Moscow.

Note: The constitutional documents of this organization have not been supplied to the editors.

LATIN AMERICAN FORESTRY COMMISSION

See Food and Agriculture Organization

LATIN AMERICAN FREE TRADE ASSOCIATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Treaty establishing this organization was signed at Montevideo on February 18, 1960. It is not yet in force and will become effective for the first three ratifying states thirty days after the deposit of the third instrument of ratification.¹ A Protocol, signed at the same time, provided for the establishment of a Provisional Committee on April 1, 1960, to adopt and co-ordinate measures to facilitate the entry into force of the Treaty.²

At the first meeting of the Trade Committee of the Economic Commission for Latin America in November 1956, a working group was set up to examine plans for a regional market. In May and August 1957, the Seventh Conference of the Economic Commission for Latin America and the Economic Conference of the Organization of American States, respectively, agreed on resolutions in favor of a gradual and progressive establishment of a regional market. This was followed on October 31, 1958, by a Joint Declaration by a majority of the Latin American countries to the same effect. The Conference of Montevideo which drew up the Treaty met in September 1959 and February 1960.

The Treaty is of unlimited duration,³ provides for a transitional period of not more than twelve years for the establishment of a full free trade area⁴ and has provisions for denunciation.⁵

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Association is empowered to take the steps necessary for the bringing into full operation of the free trade area through negotiations for the purpose of the elimination of duties, charges and restrictive regulations on substantially all their reciprocal trade.⁶

¹ Treaty, Art. 57. The Treaty entered into force on May 2, 1961, with the deposit of instruments of ratification by Argentina, Brazil, Chile, Mexico, Peru and Uruguay.

² Protocol relating to establishment of a Provisional Committee.

³ Treaty, Art. 63. ⁴ Id., Art. 2, 61. ⁵ Id., Art. 64. ⁶ Id., Art. 3, 4, 34.

ORGANS

The organs are:

(1) The Conference of the Contracting Parties composed of their representatives, each delegation having one vote, meeting in regular yearly sessions.¹

(2) The Standing Executive Committee composed of a permanent representative of each contracting party.²

(3) A Secretariat.³

The Provisional Committee established pending the entry into force of the Treaty is composed of one representative of each signatory state.⁴

MEMBERSHIP

The Treaty was signed by Argentina, Brazil, Chile, Mexico, Paraguay, Peru and Uruguay.⁵

MEANS OF FINANCIAL SUPPORT

There is provision for a budget drawn up by the Committee and approved by the Conference.⁶

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

There is provision for co-operation with the United Nations (Economic Commission for Latin America) and the OAS.⁷ The Provisional Committee is instructed to prepare for the presentation of the Treaty to GATT.⁸

HEADQUARTERS

The headquarters of the Provisional Committee are in Montevideo which will also be the permanent headquarters.

¹ Id., Art. 35, 36.

² Id., 39, 40.

³ Id., Art. 40.

⁴ Protocol.

⁵ See note 1 on preceding page.

⁶ Id., Art. 38, 41.

⁷ Id., Art. 44.

⁸ Protocol relating to establishment of a provisional committee.

MONTEVIDEO TREATY

ESTABLISHING A FREE-TRADE AREA AND INSTITUTING THE LATIN AMERICAN FREE TRADE ASSOCIATION¹

February 18, 1960

The Governments represented at the Intergovernmental Conference for the Establishment of a Free-Trade Area between Latin American Countries,

Persuaded that the broadening of existing domestic markets, through the gradual elimination of barriers to intra-regional trade, is a prerequisite if the Latin American countries are to speed up the process of their economic development so as to ensure a higher standard of living for their peoples,

Aware that economic development should be attained through the maximum use of available production factors and a more effective co-ordination of the development programs of the various production sectors in accordance with rules which take due account of the interests of each and every one and make proper allowance, by means of appropriate measures, for the special situation of the less-developed countries,

Convinced that the strengthening of domestic economies will contribute to the expansion of the trade of Latin American countries with one another and with the rest of the world,

Confident that, by the adoption of suitable formulae, conditions can be created that will be conducive to the gradual and orderly adaptation of existing productive activities to new methods of reciprocal trade, and that further incentives will thereby be provided for the improvement and expansion thereof,

Certain that any action to achieve such ends must take into account the commitments arising out of the international instruments which govern their trade,

Determined to pursue their efforts to establish, gradually and progressively, a Latin American common market and, therefore, to continue co-operating, with the Latin American Governments as a whole, in the work already initiated for this purpose, and

Prompted by the desire to pool their efforts to achieve the progressive complementarity and integration of their domestic economies on a basis of effective reciprocity of benefits, decide to establish a free-trade area and, to that end, to conclude a Treaty instituting the Latin American Free Trade Association; and have, for this purpose, designated their plenipotentiaries who have agreed as follows:

Chapter I – Name and Purpose

Art. 1. The Contracting Parties hereby establish a free-trade area and

¹ GATT document L/1157/Rev. 1, supplied by the GATT Secretariat.

institute the Latin American Free Trade Association (hereinafter referred to as "the Association"), with headquarters in the City of Montevideo (Oriental Republic of Uruguay).

For the purposes of this Treaty, the term "Area" shall be understood to mean the combined territories of the Contracting Parties.

Chapter II – Programme for trade Liberalization

Art. 2. The free-trade area established under this Treaty shall be brought into full operation within not more than twelve (12) years from the date of the entry into force of this Treaty.

Art. 3. During the period mentioned in Article 2, the Contracting Parties shall gradually eliminate, on substantially all their reciprocal trade, such duties, charges and restrictive regulations as may be applied to imports of goods originating in the territory of any Contracting Party.

For the purposes of this Treaty the term "duties and charges" shall be understood to mean customs duties and other charges of any kind having equivalent effect – whether of a fiscal, monetary or exchange nature – imposed on importation.

The provisions of this Article shall not apply to fees or similar charges commensurate with the cost of services rendered.

Art. 4. The objective laid down in Article 3 shall be achieved through negotiations to be held from time to time between the Contracting Parties with a view to drawing up:

(a) National Schedules setting forth the annual reductions in duties, charges and other restrictive regulations accorded by each Contracting Party to other Contracting Parties in accordance with the provisions of Article 5; and

(b) a Common Schedule listing the products on which the Contracting Parties acting jointly agree to eliminate duties, charges and other restrictive regulations completely, in respect of intra-Area trade, within the period mentioned in Article 2, in conformity with the minimum percentages set forth in Article 7 and in compliance with the process of gradual reduction provided for in Article 5.

Art. 5. With a view to the establishment of the National Schedules referred to in Article 4: (a) each Contracting Party shall annually grant to the other Contracting Parties reductions in duties and charges equivalent to not less than eight (8) per cent of the weighted average of existing duties and charges applicable to third countries, until they are eliminated on substantially all of its imports from the Area, in accordance with the definitions, methods of calculation, rules and procedures laid down in the Protocol annexed to this Treaty.

For this purpose, the duties and charges applicable to third countries shall be deemed to be those in force on 31 December prior to each round of negotiations.

When the import system maintained by a Contracting Party includes restrictive regulations of such a kind that adequate equivalence with the reductions in duties and charges granted by another Contracting Party or other Contracting Parties cannot be established, the counterpart afforded

in return for such reductions shall be supplemented by the elimination or relaxation of the restrictive regulations concerned.

Art. 6. The National Schedules shall enter into force on 1 January of each year, provided however that the Schedules resulting from the initial negotiations shall enter into force on the date which the Contracting Parties shall determine.

Art. 7. The Common Schedule shall consist of products which, in terms of the aggregate value of the trade among the Contracting Parties, shall constitute not less than the following percentages, calculated in accordance with the provisions of the Protocol:

Twenty-five (25) per cent during the first three-year period;

Fifty (50) per cent during the second three-year period;

Seventy-five (75) per cent during the third three-year period;

Substantially all of such trade during the fourth three-year period.

Art. 8. The inclusion of products in the Common Schedule shall be final and the concessions granted in respect thereof shall be irrevocable.

Concessions granted in respect of products which are included only in the National Schedules may be withdrawn by negotiation among the Contracting Parties, subject to adequate compensation being provided.

Art. 9. The percentages referred to in Articles 5 and 7 shall be computed on the basis of the average annual value of trade during the three-year period prior to each round of negotiations.

Art. 10. The negotiations referred to in Article 4 – which shall be based on the principle of reciprocity – shall be directed towards the expansion and diversification of trade and the furthering of the progressive complementarity of the economies of the countries in the Area.

In such negotiations, equitable consideration shall be given to the situation of those Contracting Parties with levels of duties, charges and restrictive regulations substantially different from those of the other Contracting Parties.

Art. 11. If, as a result of the concessions granted, serious and persistent injury is caused to trade in the products included in the liberalization program between one Contracting Party and the other Contracting Parties considered as a whole, the Contracting Parties shall, at the request of the Contracting Party affected, consider steps to remedy such injury with a view to the adoption of adequate, non-restrictive measures designed to maximize trade in such products.

Art. 12. If, as a result of circumstances other than those referred to in Article 11, serious and persistent injury is caused to trade in the products included in the liberalization program, the Contracting Parties shall, at the request of the Contracting Party concerned, make every effort within their power to remedy such injury.

Art. 13. The principle of reciprocity mentioned in Article 10 refers to the expected growth in the flow of trade between each Contracting Party and the other Contracting Parties considered as a whole in the products included in the liberalization program and in such products as may subsequently be added thereto.

Chapter III – Expansion of Trade and Economic Complementarity

Art. 14. With a view to ensuring the continuing expansion and diversification of reciprocal trade, the Contracting Parties shall endeavor:

(a) To grant one another, while observing the principle of reciprocity, concessions which will ensure that, as a result of initial negotiations, treatment no less favourable than that which existed prior to the entry into force of this Treaty is accorded to imports from within the Area;

(b) to include in the National Schedules the greatest possible number of products traded between Contracting Parties; and

(c) to add to such Schedules an increasing number of products which are not yet included in their reciprocal trade.

Art. 15. In order to assure fair competitive conditions among the Contracting Parties and to facilitate the increasing integration and complementarity of their economies, especially in the field of industrial production, the Contracting Parties shall endeavor – in accordance with the liberalization objectives of this Treaty – to harmonize their import and export systems and the treatment accorded to capital, goods and services from outside the Area.

Art. 16. With a view to intensifying the process of integration and the complementarity referred to in Article 15, the Contracting Parties:

(a) Shall endeavor to promote the gradual and increasing co-ordination of their individual industrialization policies and, to that end, shall sponsor arrangements between representatives of the economic sectors concerned; and

(b) may enter into mutual complementarity agreements with one another in respect of industrial sectors.

Art. 17. The complementarity agreements referred to in Article 16 (b) shall set forth the liberalization program applicable to products in the sectors concerned and may include, *inter alia*, provisions directed towards the harmonization of treatments accorded to the raw materials and other factors used in the manufacture of such products.

Participation in the negotiation of such agreements shall be open to any Contracting Party interested in the complementarity programs.

The results of any such negotiations shall be embodied in protocols which shall enter into force after the Contracting Parties have determined that they are consistent with the general principles and purposes of this Treaty.

Chapter IV – Most-Favored-Nation Treatment

Art. 18. Any advantage, favor, exemption, immunity or privilege granted by any Contracting Party, to any product originating in or destined for any other country shall be accorded immediately and unconditionally to the like product originating in or destined for the territories of all other Contracting Parties.

Art. 19. The most-favored-nation treatment referred to in Article 18 shall not be applicable to the advantages, favors, exemptions, immunities and privileges already granted or which may be granted in pursuance of

agreements among Contracting Parties or between Contracting Parties and third countries in order to facilitate frontier traffic.

Art. 20. Capital originating in the Area shall enjoy, in the territory of each Contracting Party, treatment no less favorable than that accorded to capital from any other country.

Chapter V – Treatment on Internal Taxation

Art. 21. The products of the territory of any Contracting Party imported into the territory of any other Contracting Party shall be accorded treatment no less favorable than that accorded to like domestic products in respect of impositions, taxes and other internal duties and charges.

Art. 22. Each Contracting Party shall endeavor to ensure that charges and other internal measures applied to products included in the liberalization program which are not produced, or are produced only in small quantities, in its territory, do not operate to nullify or impair any concession or benefit accruing to any Contracting Party as a result of the negotiations.

If any Contracting Party should consider itself injured as a result of the measures described in the preceding paragraph, such Contracting Party may refer the matter to the competent bodies of the Association which shall investigate the matter so referred to them and shall make appropriate recommendations.

Chapter VI – Escape Clauses

Art. 23. If any product included in the liberalization program which originates in the Area is being imported into the territory of a Contracting Party in such quantities or under such conditions as to cause or threaten serious prejudice to a particular industry of significant importance to the domestic economy, the Contracting Parties may authorize that Contracting Party to impose non-discriminatory restrictions on such imports, as a transitional measure and provided that regular levels of consumption are not thereby reduced.

Art. 24. The Contracting Parties may likewise authorize a Contracting Party which is applying corrective measures in order to remedy its general balance-of-payments disequilibrium to extend such measures, on a transitional and non-discriminatory basis, to intra-Area trade in products included in the liberalization program. The Contracting Parties shall endeavor to ensure that the imposition of restrictions for balance-of-payments reasons does not affect intra-Area trade in the products included in the liberalization program.

Art. 25. If the circumstances referred to in Articles 23 and 24 call for immediate action, the Contracting Party concerned may, as an emergency measure and subject to the Contracting Parties concurring in such measure, take action in pursuance of said Articles, provided however that the Contracting Party concerned shall give immediate notice of the action taken to the Committee referred to in Article 33 which, if it deems it necessary, shall convene a special session of the conference.

Art. 26. If the measures provided for in this chapter should be maintained for more than one year, the Committee, acting on its own initiative or at the request of any Contracting Party, shall propose to the Conference, referred to in Article 33, that negotiations be initiated immediately with a view to the elimination of the restrictions imposed.

The provisions of this Article shall not affect the rule laid down in Article 8.

Chapter VII – Special Provisions Relating to Agriculture

Art. 27. The Contracting Parties shall endeavor to co-ordinate their agricultural development policies and their policies in respect of trade in agricultural and livestock products, with a view to assuring the most effective utilization of their natural resources, raising the standard of living of the rural population, and assuring normal supplies to consumers without disrupting the regular productive activities of individual Contracting Parties.

Art. 28. Any Contracting Party may, within the period referred to in Article 2, apply to trade in agricultural and livestock products which are of material significance to its economy and are included in the liberalization program, adequate non-discriminatory measures designed:

(a) to limit imports to the amount necessary to offset any shortfall in domestic production; and

(b) to adjust prices for imported products to the corresponding price levels for domestic products; provided, however, that such measures shall not involve any decline in regular consumption or any increase in uneconomic lines of production.

A Contracting Party which decides to impose such measures shall notify the other Contracting Parties before such action is effectively taken.

Art. 29. During the period set forth in Article 2 every effort shall be made to expand intra-Area trade in agricultural and livestock products in particular by means of agreements among the Contracting Parties designed to offset any shortfall in domestic production.

To that end, the Contracting Parties shall give priority, under normal competitive conditions, to products originating in the territories of other Contracting Parties, due consideration being given to traditional channels of trade within the Area.

Where such agreements are concluded between two or more Contracting Parties, the other Contracting Parties shall be notified before the agreements enter into force.

Art. 30. The measures provided for in this chapter shall not be applied for the purpose of incorporating, in agricultural and livestock production, resources which would involve a decline in the average level of productivity existing prior to the date of entry into force of this Treaty.

Art. 31. If any Contracting Party should consider itself injured by a reduction of its exports attributable to a decline in the regular consumption levels in the importing country as a result of the measures referred in Article 28 and/or an uneconomic increase in the productive activities mentioned in the preceding Article, the Contracting Party may

refer the matter to the competent bodies of the Association which shall investigate the situation so referred to them and shall, if appropriate, make recommendations for the adoption of adequate measures to be applied in accordance with Article 12.

Chapter VIII – Measures in Favor of Countries in a Relatively Less Advanced Stage of Economic Development

Art. 32. The Contracting Parties, recognizing that the attainment of the objectives of this Treaty will be facilitated by the development of the economies of those countries in the Area which are in a relatively less advanced stage of economic development, shall endeavor to create conditions conducive to such growth.

To that end, the Contracting Parties may:

(a) Authorize a Contracting Party to grant to another Contracting Party which is in a relatively less advanced stage of economic development within the Area, as long as necessary and as a transitional measure, for the purposes set out in this Article, advantages which will not be extended to the other Contracting Parties, in order to promote the establishment or expansion of particular industries;

(b) authorize a Contracting Party which is in a relatively less advanced stage of economic development within the Area to implement the program for the reduction of duties, charges and other restrictive regulations under more favorable conditions, specially agreed upon;

(c) authorize a Contracting Party which is in a relatively less advanced stage of economic development within the Area to impose adequate measures to correct an adverse balance of payments, if the case arises;

(d) authorize a Contracting Party which is in a relatively less advanced stage of economic development within the Area to apply, where necessary and as a transitional measure, and providing that this does not involve a decline in the regular domestic consumption levels, adequate non-discriminatory measures designed to protect the domestic output of products included in the liberalization program which are of fundamental importance to its economic development;

(e) make collective arrangements in favour of a Contracting Party which is in a relatively less advanced stage of economic development within the Area in order to support and promote, both inside and outside the Area, financial or technical measures designed to bring about the expansion of existing industries or to encourage new activities, particularly those intended for the processing of indigenous raw materials; and

(f) promote or support, as the case may be, special technical assistance programmes in favour of one or more Contracting Parties, intended to raise productivity levels in particular production sectors in countries in a relatively less advanced stage of economic development within the Area.

Chapter XI – Organs of the Association

Art. 33. The organs of the Association shall be the Conference of the Contracting Parties (referred to in this Treaty as “the Conference”) and

the Standing Executive Committee (referred to in this Treaty as "the Committee").

Art. 34. The Conference is the supreme body of the Association. It shall decide on all matters requiring joint action by the Contracting Parties, and it shall be empowered, *inter alia*:

(a) To take the steps necessary for the implementation of this Treaty and to review the results of its operation;

(b) to promote the negotiations provided for in Article 4 and to assess the results thereof;

(c) to approve the Committee's annual budget and to fix the contribution of each Contracting Party;

(d) to establish its own rules of procedure and to approve the Committee's rules of procedure;

(e) to elect a Chairman and two Vice-Chairmen for each session;

(f) to appoint the Executive Secretary of the Committee; and

(g) to deal with other business of common interest.

Art. 35. The Conference shall consist of the duly accredited representatives of the Contracting Parties. Each delegation shall have one vote in the Conference.

Art. 36. The Conference shall hold: (a) a regular session once a year; and (b) special sessions when convened by the Committee.

At each session the Conference shall determine the venue and date of the next regular session.

Art. 37. The Conference may not take decisions unless at least two-thirds (2/3) of the Contracting Parties are present.

Art. 38. During the first two years in which this Treaty is in force, decisions of the Conference shall be taken by an affirmative vote of at least two-thirds (2/3) of the Contracting Parties, provided however that no negative vote is cast.

The Contracting Parties shall determine under the same procedure the voting system applicable after the first two-year period.

The affirmative vote of two-thirds (2/3) of the Contracting Parties shall be required:

(a) to approve the Committee's annual budget;

(b) to elect the Chairman and Vice-Chairmen of the Conference, as well as the Executive Secretary; and

(c) to determine the time and venue of the sessions of the Conference.

Art. 39. The Committee shall be the permanent body of the Association responsible for supervising the operation of the provisions of this Treaty. Its duties and responsibilities shall be, *inter alia*:

(a) to convene the Conference;

(b) to submit for approval by the Conference an annual program of work and the Committee's annual budget estimates;

(c) to represent the Association with third countries or international bodies or institutions when dealing with matters of common interest. It shall also represent the Association in contracts and other acts of public and private law;

(d) to undertake studies, to suggest measures and to submit to the

Conference such recommendations as it deems appropriate to ensure the most effective implementation of this Treaty;

(e) to submit to the Conference at its regular sessions an annual report on its activities and on the results of the operation of this Treaty;

(f) to request the technical advice and the co-operation of persons and organizations of national or international standing;

(g) to take such decisions as may be delegated to it by the Conference; and

(h) to carry out the tasks assigned to it by the Conference.

Art. 40. The Committee shall consist of a Permanent Representative of each Contracting Party, who shall have a single vote.

Each Representative shall have an Alternate.

Art. 41. The Committee shall have a Secretariat headed by an Executive Secretary and comprising technical and administrative personnel.

The Executive Secretary, elected by the Conference for a three-year term and re-eligible for similar periods, shall attend the plenary meetings of the Committee without the right to vote.

The Executive Secretary shall be the General Secretary of the Conference. His duties shall be, *inter alia*:

(a) to organize the work of the Conference and of the Committee;

(b) to prepare the Committee's annual budget estimates; and

(c) to recruit and appoint the technical and administrative staff in accordance with the Committee's rules of procedure.

Art. 42. In performance of their duties, the Executive Secretary and the members of the staff shall not seek or receive instructions from any Government or from any other national or international authority. They shall refrain from any action which might reflect on their position as international officials.

The Contracting Parties undertake to respect the international character of the responsibilities of the Executive Secretary and the members of the staff and shall refrain from influencing them in any way in the discharge of their duties.

Art. 43. In order to facilitate the study of specific problems, the Committee may set up Advisory Commissions composed of representatives of the various sectors of economic activity of each of the Contracting Parties.

Art. 44. The Committee shall request, for the organs of the Association, the technical advice of the secretariat of the United Nations Economic Commission for Latin America (ECLA) and of the Inter-American Economic and Social Council (IA-ECOSOC) of the Organization of American States.

Art. 45. The Committee shall be constituted sixty days after the entry into force of this Treaty and shall have its headquarters in the City of Montevideo.

Chapter X – Legal Personality – Immunities and Privileges

Art. 46. The Latin American Free Trade Association shall possess full legal personality and shall have legal capacity, in particular:

- (a) to enter into contracts;
- (b) to acquire and dispose of such movable and immovable property as may be essential for the attainment of its objectives;
- (c) to institute legal proceedings; and
- (d) to hold funds in any currency and to effect transfers as necessary.

Art. 47. The representatives of the Contracting Parties and the international officials and advisers of the Association shall enjoy in the Area such diplomatic and other immunities and privileges as may be necessary for the exercise of their functions.

The Contracting Parties undertake to conclude, as soon as possible, an Agreement regulating the provisions of the previous paragraph in which the aforesaid privileges and immunities shall be defined.

The Association shall conclude with the Government of the Oriental Republic of Uruguay an Agreement for the purpose of specifying the privileges and immunities which the Association, its organs and its international officials and advisers shall enjoy.

Chapter XI – Miscellaneous Provisions

Art. 48. No modification by a Contracting Party to its system of import duties and charges shall result in the level of such duties and charges being less favorable than that existing prior to such modifications in respect of any commodity for which concessions have been granted to the other Contracting Parties.

The requirement laid down in the preceding paragraph shall not apply to the conversion to current value of the official base value (aforo) for the purpose of assessing customs duties and charges, provided however that such conversion shall correspond exclusively to the actual value of the goods. In such cases, value shall not include the customs duties and charges levied on the goods.

Art. 49. In order to facilitate the implementation of the provisions of this Treaty, the Contracting Parties shall, as soon as possible:

- (a) determine the criteria to be adopted for the purpose of determining the origin of goods and for classifying them as raw materials, semi-manufactured goods or finished products;
- (b) simplify and standardize procedures and formalities relating to reciprocal trade;
- (c) prepare a tariff nomenclature to serve as a common basis for the presentation of statistics and for carrying out the negotiations provided for in this Treaty;
- (d) determine what shall be deemed to constitute frontier traffic within the meaning of Article 19;
- (e) determine the criteria for the purpose of defining “dumping” and other unfair trade practices and the procedures relating thereto.

Art. 50. The products imported from the Area by a Contracting Party may not be re-exported except by agreement between the Contracting Parties concerned.

A product shall not be deemed to be re-exported if it has been subjected

in the importer country to industrial processing or manufacture, the degree of which shall be determined by the Committee.

Art. 51. Products imported or exported by a Contracting Party shall enjoy freedom of transit within the Area and shall only be subject to the payment of the normal fees for services rendered.

Art. 52. No Contracting Party shall promote its exports by means of subsidies or other measures likely to disrupt normal competitive conditions in the Area.

An export shall not be deemed to have been subsidized if it is exempted from duties and charges levied on the product or its components when destined for internal consumption, or if it is subject to drawback.

Art. 53. No provision of this Treaty shall be construed to prevent the adoption or enforcement of measures intended for:

- (a) the protection of public morals;
- (b) compliance with security laws and regulations;
- (c) control of imports or exports of arms, ammunition and other implements of war and, in exceptional circumstances, of all other military items, consistent with the provisions of Article 51 and of the Treaties on the unrestricted freedom of transit in force among the Contracting Parties;
- (d) the protection of human, animal and plant life or health;
- (e) imports and exports of gold and silver bullion;
- (f) the protection of national treasures of artistic, historic and archaeological value; and
- (g) the export, use and consumption of nuclear materials, radio-active products or any other material that may be used in the development or exploitation of nuclear energy.

Art. 54. The Contracting Parties shall make every effort to direct their policies with a view to creating conditions favorable to the establishment of a Latin American common market. To that end, the Committee shall undertake studies and consider plans and schedules designed to achieve this purpose, and shall endeavor to co-ordinate its work with that of other international organizations.

Chapter XII – Final Provisions

Art. 55. This Treaty may not be signed with reservations nor shall reservations be entertained at the time of ratification or accession.

Art. 56. This Treaty shall be ratified by the signatory States at the earliest opportunity.

The instruments of ratification shall be deposited with the Government of the Oriental Republic of Uruguay, which shall communicate the date of deposit to the Governments of the signatory or acceding States, as the case may be.

Art. 57. This Treaty shall enter into force for the first three ratifying States thirty days after the third instrument of ratification has been deposited; and, for the other signatories, thirty days after the respective instrument of ratification has been deposited, in the order in which the ratifications have been deposited.

The Government of the Oriental Republic of Uruguay shall furnish a

notification of the date of entry into force of this Treaty to the Government of each of the signatory States.

Art. 58. Following its entry into force, this Treaty shall remain open to accession by the other Latin American States, which for this purpose shall deposit the relevant instrument of accession with the Government of the Oriental Republic of Uruguay. The Treaty shall enter into force in respect of the acceding State, thirty days after the deposit of the corresponding instrument.

An acceding State shall engage in the negotiations referred to in Article 4 at the session of the Conference immediately following the date of deposit of its instrument of accession.

Art. 59. Each Contracting Party shall enjoy the benefit of the concessions previously exchanged by the other Contracting Parties as from the date of entry into force of the reductions in duties and charges and other restrictive regulations negotiated on a reciprocal basis, and after the minimum obligations referred to in Article 5 which have accrued over the period since the entry into force of this Treaty have been fulfilled.

Art. 60. The Contracting Parties may make amendments to this Treaty, which shall be set out in protocols that shall enter into force after they have been ratified by all the Contracting Parties and the corresponding instruments have been deposited.

Art. 61. On the expiry of the twelve-year period commencing on the date of entry into force of this Treaty, the Contracting Parties shall review the results of the operation of the Treaty and shall initiate the necessary joint negotiations with a view to ensuring the most effective attainment of the purposes of the Treaty and, if desirable, to adapting it to a new stage of economic integration.

Art. 62. The provisions of this Treaty shall not affect the rights and obligations deriving from agreements entered into by any Contracting Party prior to the entry into force of this Treaty.

However, each Contracting Party shall take the necessary steps to reconcile the provisions of existing agreements with the provisions of this Treaty.

Art. 63. This Treaty shall be of unlimited duration.

Art. 64. A Contracting Party wishing to withdraw from this Treaty shall give notice of its intention to the other Contracting Parties at a regular session of the Conference, and shall formally submit the instrument of denunciation at the following regular session.

When the formalities of denunciation have been completed, those rights and obligations of the withdrawing Government which derive from its status as a Contracting Party shall cease automatically, with the exception of those relating to reductions in duties and charges and other restrictive regulations received or granted under the liberalization program, which shall remain in force for a period of five years from the date on which denunciation has been formalized.

The period set forth in the preceding paragraph may be shortened at the request of the Contracting Party concerned provided sufficient justification is furnished and the Conference concurs in the proposed measure.

Art. 65. This Treaty shall be referred to as the Montevideo Treaty.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, have signed the present Treaty on behalf of their respective Governments.

Done in the City of Montevideo, on the eighteenth day of the month of February in the year one thousand nine hundred and sixty, in a single original in the Spanish and Portuguese languages, both texts being equally authentic. The Government of the Oriental Republic of Uruguay shall act as depositary to the present Treaty and shall furnish duly certified copies thereof to the Governments of the other signatory or acceding States.

PROTOCOL RELATING TO RULES AND PROCEDURES FOR NEGOTIATIONS

(Not reproduced)

PROTOCOL RELATING TO ESTABLISHMENT OF A PROVISIONAL COMMITTEE

At the time of signing the Treaty establishing a free-trade area and instituting the Latin American Free Trade Association (Montevideo Treaty), the signatories, thereunto duly authorized by their Governments, taking into consideration the need to adopt and co-ordinate measures to facilitate the entry into force of the Treaty, hereby agree as follows:

1. A Provisional Committee shall be set up, composed of one representative of each signatory State. Each representative shall have an alternate.

At its first meeting the Provisional Committee shall elect from among its members one Chairman and two Vice-Chairmen.

2. The terms of reference of the Provisional Committee shall be as follows:

(a) To draw up its rules of procedure;

(b) to prepare, within ninety days from the date of its inauguration, its programme of work, and to establish its budget of expenditure and the contributions to be made by each country;

(c) to adopt the measures and prepare the documents necessary for the presentation of the Treaty to the Contracting Parties of the General Agreement on Tariffs and Trade (GATT);

(d) to convene and make arrangements for the first Conference of Contracting Parties;

(e) to assemble and prepare the data and statistics required for the first round of negotiations connected with the implementation of the liberalization program provided for in the Treaty;

(f) to carry out or promote studies and research, and to adopt any measures which may be necessary in the common interest during its period of office; and

(g) to prepare a preliminary draft agreement on the privileges and immunities referred to in Article 47 of the Treaty.

3. In technical matters, the Provisional Committee shall be assisted in an advisory capacity by the United Nations Economic Commission for Latin America (ECLA) and the Inter-American Economic and Social Council (IA-ECOSOC), of the Organization of American States, in accordance with the provisions of the relevant Protocol.

4. The Provisional Committee shall appoint an Administrative Secretary and other staff, as may be necessary.

5. The Provisional Committee shall be inaugurated on 1 April 1960, and its quorum shall be constituted by not less than four members. Up to that date, the officers of the Intergovernmental Conference for the Establishment of a Free-Trade Area among Latin American Countries shall continue to discharge their functions, for the sole purpose of establishing the Provisional Committee.

6. The Provisional Committee shall remain in office until the Standing Executive Committee, provided for in Article 33 of the Treaty, has been set up.

7. The Provisional Committee shall have its seat in the City of Montevideo.

8. The officers of the above-mentioned conference are recommended to request the Government of the Oriental Republic of Uruguay to advance the necessary sums to cover the payment of staff salaries and the installation and operational expenses of the Provisional Committee during the first ninety days. These sums shall be subsequently reimbursed by the State signatories to this Protocol.

9. The Provisional Committee shall approach the signatory Governments with a view to obtaining for the members of its constituent delegations, as well as for its international staff and advisers, such immunities and privileges as may be necessary for the exercise of their functions.

In witness whereof, the respective representatives have signed the present Protocol.

Done at the City of Montevideo, this eighteenth day of February nineteen hundred and sixty, in a single original in the Spanish and Portuguese languages, both texts being equally authentic. The Government of the Oriental Republic of Uruguay shall act as the depositary of the present Treaty and shall furnish certified true copies thereof to the Governments of the other signatory and acceding countries.

PROTOCOL
RELATING TO THE COLLABORATION OF THE UNITED
NATIONS ECONOMIC COMMISSION FOR LATIN
AMERICA (ECLA) AND OF THE INTER-AMERICAN
ECONOMIC AND SOCIAL COUNCIL (IA-ECOSOC) OF THE
ORGANIZATION OF AMERICAN STATES

At the time of signing the Treaty establishing a free-trade area and instituting the Latin American Free Trade Association (Montevideo Treaty), the signatories, thereunto duly authorized by their Governments, hereby agree as follows:

1. With reference to the provisions of Article 44 of the Treaty and in view of the fact that the secretariats of ECLA and of IA-ECOSOC have agreed to assist the organs of the Latin American Free Trade Association with advice on technical matters, a representative of each of the secretariats in question shall attend the meetings of the Standing Executive Committee of the above-mentioned Association when the business to be discussed is, in the Committee's opinion, of a technical nature.

2. The appointment of the representatives referred to shall be subject to the prior approval of the members of the said Committee.

In witness whereof, the respective representatives have signed the present Protocol.

Done at the City of Montevideo, this eighteenth day of February nineteen hundred and sixty, in a single original in the Spanish and Portuguese languages, both texts being equally authentic. The Government of the Oriental Republic of Uruguay shall act as the depositary of the present Protocol and shall furnish certified true copies thereof to the Governments of the other signatory and acceding countries.

PROTOCOL RELATING TO COMMITMENTS TO
PURCHASE OR SELL PETROLEUM AND
PETROLEUM DERIVATIVES

(Not reproduced)

LATIN UNION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Convention establishing the Latin Union was drawn up at the second Congress of the Latin Union in Madrid in 1954 and signed on May 15, 1954. It has not yet entered into force and will do so when a majority of the twenty three states which signed the Convention have ratified it.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes of the Union are the promotion of the close intellectual and spiritual ties of Latin countries, the diffusion of their common cultural patrimony, the promotion of mutual knowledge of their institutions and requirements. The union may conclude agreements with States and international organizations.¹

ORGANS

The organs are:

(1) The Congress composed of no more than five representatives from each member, each delegation having the right to one vote, which meets every two years.²

(2) The Executive Council composed of ten Member States elected by the Congress for a period of four years.³

(3) The Secretariat under a Secretary-General appointed by the Congress.⁴

MEMBERSHIP

The Convention was signed by Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, France, Haiti, Honduras, Italy, Nicaragua, Panama, Peru, Philippines, Portugal, Spain, Uruguay and Venezuela, but has not yet been ratified by all these countries.

¹ Convention, Art. 2. ² Id., Arts. 6, 7. ³ Id., Art. 13. ⁴ Id., Art. 16.

MEANS OF FINANCIAL SUPPORT

Contributions of members will be fixed in accordance with a scale to be decided by the Congress.¹

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

Close relations are envisaged with UNESCO.

HEADQUARTERS

“The permanent headquarters of the Latin Union shall be established in the capital of one of the Latin American countries.”²

¹ Id., Art. 19.

² Id., Art. 18.

CONVENTION FOR THE CREATION OF THE LATIN UNION¹

Madrid, May 15, 1954

The States Signatory of the present Convention:

Conscious of the mission incumbent upon the Latin countries in the evolution of ideas as well as in the moral improvement and material progress of the world;

Faithful to the spiritual values upon which their humanist and Christian civilization is founded;

United by a common destiny and adhering to the same principles of peace and social justice, of respect for the dignity and liberty of the human person, as well as the independence and the integrity of nations;

Confident of the solidarity given and maintained by historic precedent and common ideals between all peoples whose policy is based thereon;

Decide to associate their efforts in order to assure the realization of their cultural aspirations and thus to contribute to the strengthening of peace, to the moral improvement and material progress of humanity;

And, for this purpose, create the Latin Union.

Composition and Purposes of the Latin Union

Art. 1. The Latin Union is made up of the States whose language and culture is of Latin origin which sign and ratify the present Convention or adhere thereto in good and due form.

Art. 2. The purposes of the Latin Union are the following:

(a) To promote closer intellectual co-operation between the adhering countries and to strengthen the spiritual and moral ties which unite them;

(b) To encourage their common cultural patrimony and its wider diffusion;

(c) To achieve a greater reciprocal knowledge of the character, institutions and specific requirements of each of the Latin peoples;

(d) To place the moral and spiritual values of Latinity at the service of international relations in order to achieve a greater understanding and co-operation between nations and to increase the prosperity of peoples.

International Agreements

Art. 3. To insure the execution of its program the Latin Union may conclude special agreements:

(a) with a member State;

(b) with a non-member State;

(c) with any international or intergovernmental organization or

¹ Original text supplied by the Provisional Executive Council's President, translated by D.P. Xydis. Convention not yet in force.

institution which might assist in the execution of the program of the Latin Union.

Juridical Personality

Art. 4. The Member States, within the limits of their respective sovereignty and legislation, accord the Latin Union the juridical personality necessary for the full exercise of its functions as determined in the present Convention.

Organs

Art. 5. (1) The principal organs of the Latin Union are:
The Congress,
The Executive Council,
The Secretariat.

(2) The Congress may set up any other auxiliary organ which it deems necessary.

The Congress

Art. 6. (1) The Congress shall be composed of the representatives of the Member States of the Union.

(2) The government of each Member State shall appoint a delegation composed of no more than five representatives.

(3) The Secretary-General of the Union shall also fulfil the functions of the Secretary-General of the Congress.

Art. 7. (1) The Congress shall meet every two years in ordinary session at a place and date to be agreed.

(2) It shall meet in extraordinary session whenever it is convened by the Executive Council in the cases provided for by Article 15, paragraph (i). The Council shall fix the place of meeting.

Art. 8. (1) Each delegation has the right to one vote in the Congress and in each of the auxiliary organs.

(2) No delegation may represent another nor vote in its place.

(3) Observers shall not have the right to vote.

Art. 9. The Congress and its auxiliary organs shall take their decisions by a majority of the delegations present and voting except in the cases provided for in the following Article.

Art. 10. The decisions of the Congress shall be taken by a majority of two-thirds of the delegations present and voting in the following cases:

(a) The approval of draft international agreements provided for in Article 3.

(b) The approval of the budget of the Latin Union. The contributions of Member States forming this majority must represent at least 50% of the budget of the Union.

(c) Change of headquarters.

(d) The approval of any proposed amendment to the provisions of the present Convention.

Art. 11. The Congress may:

- (a) Draw up and approve its rules of procedure.
- (b) Determine the general orientation of the activities of the Latin Union and approve its program of work for each period of two years.
- (c) Establish the budget of the Union, the financial participation of each Member State, as well as the currency in which contributions must be made.
- (d) Proclaim as Members of the Latin Union those States which have ratified the Convention after its entry into force or who adhere thereto thereafter.
- (e) Elect the States which compose the Executive Council.
- (f) Appoint the Secretary-General of the Union and approve the organization of the Secretariat as well as of those organs subsidiary to it.
- (g) Examine the reports of the Executive Council, the Secretariat and Member States.
- (h) Propose to Member States projects of general interest which should be carried out in their respective territories.
- (i) Approve agreements which the Union may draw up in accordance with Article 3.

Art. 12. The Congress may invite both to its ordinary and extraordinary sessions, as observers, States which do not belong to the Latin Union and international organizations or institutions which might contribute to the accomplishment of the program of the Union.

The Executive Council

Art. 13. (1) The Executive Council shall be made up of ten Member States elected for a period of four years.

(2) Half the Executive Council shall be renewable every two years.

(3) The Congress shall elect the members of the Executive Council in the proportion of four European countries and six American countries and as far as possible achieve an equitable geographical distribution.

(4) Members of the Executive Council are eligible for re-election.

(5) The countries elected may appoint their representatives to the Council.

(6) The Council shall elect every two years by rotation a President who shall have the casting vote.

(7) The Secretary-General of the Union shall also be Secretary-General of the Council.

Art. 14. (1) The Executive Council shall meet at least once a year in ordinary session at a place chosen by itself taking into account the recommendations of the Congress.

(2) The Executive Council may be convened by its President in extraordinary session either by his own decision or at the request of one-third of the members of the Council.

(3) The President of the Council shall decide the place of meeting of extraordinary sessions.

Art. 15. (1) The Executive Council may:

- (a) Establish its rules of procedure with the approval of the Congress.

(b) Submit for approval to the Congress the structure and procedure of the Secretariat of the Union.

(c) Insure the execution by the Secretariat of resolutions of the Congress and of its own resolutions in accordance with directives which it shall provide.

(d) Maintain frequent contact through the appropriate channels with the Member States and their National Commissions, with a view to giving them all necessary assistance in the accomplishment of their tasks within the framework of the program of the Union.

(e) Prepare, six months in advance, the agenda, the plan of work and the proposed budget which must be submitted to the Congress;

(f) Submit for approval to the Congress draft agreements as provided in Article 3.

(g) Submit for approval of the Congress or, in urgent cases, of the Member States the acceptance of gifts, legacies or subsidies from governments, public or private organizations, or individuals intended for the achievement of its program.

(h) Grant scholarships to artists, scientists, professors, students, technicians and workers of the different Latin countries.

(i) In urgent cases convene the Congress in extraordinary session. Such convocation may take place at the request of a majority of the Member States or by decision of two-thirds of the members of the Council.

The Secretariat

Art. 16. (1) The Secretariat of the Latin Union shall include all the administrative and technical services of the Union.

(2) The Secretariat shall be under the direction of a Secretary-General appointed by the Congress for a period of four years.

(3) The term of the Secretary-General is renewable.

Art. 17. The functions of the Secretary-General shall be the following:

(a) To insure the execution of all resolutions of the Congress and the Executive Council of the Latin Union.

(b) To appoint the personnel of the Secretariat and of all its subsidiary organs in accordance with rules established by the Executive Council.

(c) To submit each year to the Executive Council the administrative report as well as the financial statement of the Union.

(d) To organize and direct a service of publications and information on the general activities of the Union.

(e) To insure the closest possible co-ordination between the organs and services of the Latin Union and to establish liaison with the Member States and the National Commissions.

(f) To organize the necessary technical services for cultural exchanges between Latin countries.

(g) To centralize all the exchange services and to administer the funds provided for these exchanges by the Congress.

(h) To convene meetings of the commissions created by the Congress and to participate in their work.

Headquarters

Art. 18. The permanent headquarters of the Latin Union shall be established in the capital of one of the Latin American countries.

Obligations of Member States

Art. 19. (1) Each Member State shall agree to provide to the Union the financial contributions fixed by the Congress.

(2) These contributions shall be fixed in accordance with a scale approved by the Congress in ordinary session and subject to revision every two years.

Art. 20. Each Member State shall appoint a National Commission charged with maintaining continual contact through the appropriate channels with the Secretariat of the Union in order to co-operate in the realization of its program.

Art. 21. Each Member State shall send the Union, in the form and at the intervals to be decided by the Congress, a report on its activities and accomplishments in the framework of the program of the Union, as well as on its action following the resolutions and recommendations adopted by the Congress. It shall also transmit where appropriate the report of its National Commission.

Amendments

Art. 22. Any proposed amendment to the provisions of the present Convention put forward by a Member State shall be submitted to the Executive Council at least one year before the next ordinary session of the Congress. The Council shall immediately inform the other Member States of the proposed amendment and place it upon the agenda of the Congress.

Art. 23. (1) Amendments to the provisions of the present Convention shall enter into force after having been ratified by the majority of Member States.

(2) Amendments relating to the objectives, organs, voting requirements and obligations of the Member States shall enter into force only upon ratification by all the Member States.

Ratification, Adherence and Entry into Force

Art. 24. (1) The present Convention shall enter into force among the States which have ratified it when it has been ratified by the majority of the States which participated in the Second International Congress of the Latin Union in 1954.

(2) The instruments of ratification or adherence shall be deposited with the provisional Executive Council provided for in the transitional provisions. The Council shall notify all signatory States of the receipt of all instruments of ratification, as well as of the date upon which the present Convention enters into force, in accordance with the preceding paragraph.

Art. 25. Ratifications and adherences which occur after the present Convention has entered into force shall take effect immediately. The instruments of ratification or adherence shall be deposited with the Executive Council which shall advise the other signatory States.

Art. 26. (1) The present Convention, for which the French, Spanish, Italian and Portuguese texts shall be authentic, shall be deposited in the archives of the Ministry of Foreign Affairs of Spain in Madrid after the second International Congress of the Latin Union;

(2) The instruments of ratification or adherence shall be remitted to the same Ministry for custody in its archives by the Executive Council or by the provisional Executive Council.

Denunciation

Art. 27. (1) Any Member State may denounce the present Convention by a communication to the Executive Council to be transmitted to the other Member States.

(2) Such denunciation shall take effect six months after the date of notification by the Executive Council.

Transitional Provisions

First. The Second International Congress of the Latin Union shall elect a provisional Executive Council which shall become, *ipso facto*, the Executive Council of the Latin Union as soon as the present Convention enters into force.

Second. The term of office of half the members of the provisional Council shall expire during the first ordinary session of the Congress which shall take place after the entry into force of the present Convention. The retiring members shall, if necessary, be drawn by lot in the proportion of two European countries and three American countries.

Third. The term of office of the other half of the members of the Council shall expire during the second ordinary session of the Congress after the entry into force of the present Convention.

Fourth. Until the meeting of the next Congress of the Latin Union the Secretariat shall be directed by a Secretary General and three Assistant Secretaries appointed by the second International Congress of the Latin Union. They shall exercise their functions under the direction of the provisional Executive Council in accordance with the present Convention.

Fifth. The next Congress of the Latin Union shall choose the Latin American capital where the headquarters of the Union is to be established.

Sixth. All the States whose language and culture is of Latin origin and who have participated in one or the other of the two International Congresses of the Latin Union shall be invited to sign and ratify the present Convention.

In testimony whereof the undersigned plenipotentiaries have signed the French, Spanish, Italian and Portuguese texts of the present Convention.

Done in Madrid, the 15th May, 1954.

LEAGUE OF ARAB STATES

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The League of Arab States was established by a pact signed on March 22, 1945 at the conclusion of a conference held in Cairo attended by representatives of Syria, Jordan, Iraq, Saudi Arabia, Lebanon, Egypt and Yemen.

Article 20 of the pact provides that it shall "become binding on the States that ratify in fifteen days after the Secretary General receives instruments of ratification from four States." The pact contemplates possible withdrawal from the League upon receipt of one year's notice and member may be expelled by the unanimous vote of the other members.¹

A Treaty of Joint Defense and Economic Co-operation, known as "the Arab Defense Pact" was drawn up on April 13, 1950, and was signed by five members of the Arab League in June of that year. It came into force in April 1952 after it had been ratified by four countries.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purpose of the League is "to draw closer the relations between member States and co-ordinate their political activities with the aim of realizing a close collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries."² Within the scope of the League are economic and financial matters, communications, cultural matters, matters connected with nationality, execution of judgments and extradition, social welfare matters and health.³

Force in the settlement of disputes between the members of the League is proscribed and the Council of the League is given power to make obligatory decisions respecting disputes.⁴ The Council also determines measures to repel aggression against any member.⁵

¹ Pact, Art. 18.

² Id., Art. 2.

³ Id.

⁴ Id., Art. 5.

⁵ Id., Art. 6.

ORGANS

Its organs are:

(1) A Council, composed of representatives of member States, each State having one vote.¹ Unanimous decisions bind all members; those "reached by a majority vote shall bind only those that accept them."²

(2) Special Committees to deal with the different subjects falling within the scope of the purpose of the League.³

(3) A Secretary General appointed by the Council and a Secretariat.⁴

In 1957, at the initiative of the Economic Council of the League, the Arab Development Bank was founded. It began operations on January 12, 1959.

MEMBERSHIP

The members are Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen. A member from Palestine may be designated by the Council "until this country enjoys actual independence."⁵

MEANS OF FINANCIAL SUPPORT

The expenses are apportioned among members in proportions determined by the Council.⁶

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has working relations with the United Nations.

HEADQUARTERS

The League's headquarters are at 18 Youssef El-Guindi Street, Cairo.

¹ Id., Art. 3.

² Id., Art. 7.

³ Id., Art. 4.

⁴ Id., Art. 12.

⁵ Annex to Pact.

⁶ Id., Art. 13.

THE PACT OF THE LEAGUE OF ARAB STATES¹

March 22, 1945

HIS EXCELLENCY THE PRESIDENT OF THE SYRIAN REPUBLIC, HIS ROYAL HIGHNESS THE EMIR OF TRANSJORDAN, HIS MAJESTY THE KING OF IRAQ, HIS MAJESTY THE KING OF SAUDI-ARABIA, HIS EXCELLENCY THE PRESIDENT OF THE LEBANESE REPUBLIC, HIS MAJESTY THE KING OF EGYPT, HIS MAJESTY THE KING OF YEMEN,

With a view to strengthen the close relations and numerous ties which bind the Arab States,

And out of concern for the cementing and reinforcing of these bonds on the basis of respect for the independence and sovereignty of these States,

And in order to direct their efforts toward the goal of the welfare of all the Arab States, their common weal, the guarantee of their future and the realization of their aspirations,

And in response to Arab public opinion in all the Arab countries,

Have agreed to conclude a pact to this effect, and have... agreed upon the following:—

Art. 1. The League of Arab States shall be composed of the independent Arab States that have signed this Pact.

Every Independent Arab State shall have the right to adhere to the League. Should it desire to adhere, it shall present an application to this effect which shall be filed with the permanent General Secretariat and submitted to the Council at its first meeting following the presentation of the application.

Art. 2. The purpose of the League is to draw closer the relations between member States and co-ordinate their political activities with the aim of realizing a close collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries.

It also has among its purposes a close co-operation of the member States with due regard to the structure of each of these States and the conditions prevailing therein, in the following matters:—

(a) Economic and financial matters, including trade, customs, currency, agriculture and industry.

(b) Communications, including railways, roads, aviation, navigation, and posts and telegraphs.

(c) Cultural matters.

(d) Matters connected with nationality, passports, visas, execution of judgments and extradition.

(e) Social welfare matters.

(f) Health matters.

Art. 3. The League shall have a Council composed of the representatives

¹ Published by the League, Cairo, 1949.

of the member States. Each State shall have one vote, regardless of the number of its representatives.

The Council shall be entrusted with the function of realizing the purpose of the League and of supervising the execution of the agreements concluded between the member States on matters referred to in the preceding article or on other matters.

It shall also have the function of determining the means whereby the League will collaborate with the international organizations which may be created in the future to guarantee peace and security and organize economic and social relations.

Art. 4. A special Committee shall be formed for each of the categories enumerated in Article 2, on which the member States shall be represented. These committees shall be entrusted with establishing the basis and scope of co-operation in the form of draft agreements which shall be submitted to the Council for its consideration preparatory to their being submitted to the States referred to.

Delegates representing the other Arab countries may participate in these Committees as members. The Council shall determine the circumstances in which the participation of these representatives shall be allowed as well as the basis of the representation.

Art. 5. The recourse to force for the settlement of disputes between two or more member States shall not be allowed. Should there arise among them a dispute that does not involve the independence of a State, its sovereignty or its territorial integrity, and should the two contending parties apply to the Council for the settlement of this dispute, the decision of the Council shall then be effective and obligatory.

In this case, the States among whom the dispute has arisen shall not participate in the deliberations and decisions of the Council.

The Council shall mediate in a dispute which may lead to war between two member States or between a member State and another State in order to conciliate them.

The decisions relating to arbitration and mediation shall be taken by a majority vote.

Art. 6. In case of aggression or threat of aggression by a State against a member State, the State attacked or threatened with attack may request an immediate meeting of the Council.

The Council shall determine the necessary measures to repel this aggression. Its decision shall be taken unanimously. If the aggression is committed by a member State the vote of that State will not be counted in determining unanimity.

If the aggression is committed in such a way as to render the Government of the State attacked unable to communicate with the Council, the representative of that State in the Council may request the Council to convene for the purpose set forth in the preceding paragraph. If the representative is unable to communicate with the Council, it shall be the right of any member State to request a meeting of the Council.

Art. 7. The decisions of the Council taken by a unanimous vote shall be binding on all the member States of the League; those that are reached by a majority vote shall bind only those that accept them.

In both cases the decisions of the Council shall be executed in each State in accordance with the fundamental structure of that State.

Art. 8. Every member State of the League shall respect the form of government obtaining in the other States of the League, and shall recognize the form of government obtaining as one of the rights of those States, and shall pledge itself not to take any action tending to change that form.

Art. 9. The States of the Arab League that are desirous of establishing among themselves closer collaboration and stronger bonds than those provided for in the present Pact, may conclude among themselves whatever agreements they wish for this purpose.

The treaties and agreements already concluded or that may be concluded in the future between a member State and any other State, shall not be binding on the other members.

Art. 10. The permanent seat of the League of Arab States shall be Cairo. The Council of the League may meet at any other place it designates.

Art. 11. The Council of the League shall meet in ordinary session twice a year, during the months of March and October. It shall meet in extraordinary session at the request of two member States whenever the need arises.

Art. 12. The League shall have a permanent General Secretariat, composed of a Secretary-General, Assistant Secretaries and an adequate number of officials.

The Secretary-General shall be appointed by the Council upon the vote of two-thirds of the States of the League. The Assistant Secretaries and the principal officials shall be appointed by the Secretary-General with the approval of the Council.

The Council shall establish an internal organization for the General Secretariat as well as the conditions of service of the officials.

The Secretary-General shall have the rank of Ambassador; and the Assistant Secretaries the rank of Ministers Plenipotentiary.

The first Secretary-General of the League is designated in an annex to the present Pact.

Art. 13. The Secretary-General shall prepare the draft of the budget of the League and submit it for approval to the Council before the beginning of each fiscal year.

The Council shall determine the share of each of the States of the League in the expenses. It shall be allowed to revise the share if necessary.

Art. 14. The members of the Council of the League, the members of its Committees and such of its officials as shall be designated in the internal organization, shall enjoy, in the exercise of their duties, diplomatic privileges and immunities.

The premises occupied by the institutions of the League shall be inviolable.

Art. 15. The Council shall meet the first time at the invitation of the Head of the Egyptian Government. Later meetings shall be convoked by the Secretary-General.

In each ordinary session the representatives of the States of the League shall assume the chairmanship of the Council in rotation.

Art. 16. Except for the cases provided for in the present Pact, a majority shall suffice for decisions by the Council effective in the following matters:—

- (a) Matters concerning the officials.
- (b) The approval of the budget of the League.
- (c) The internal organization of the Council, the Committees and the General Secretariat.
- (d) The termination of the sessions.

Art. 17. The member States of the League shall file with the General Secretariat copies of all treaties and agreements which they have concluded or will conclude with any other State, whether a member of the League or otherwise.

Art. 18. If one of the member States intends to withdraw from the League, the Council shall be informed of its intention one year before the withdrawal takes effect.

The Council of the League may consider any State that is not fulfilling the obligations resulting from this Pact as excluded from the League, by a decision taken by a unanimous vote of all the States except the State referred to.

Art. 19. The present Pact may be amended with the approval of two-thirds of the members of the League in particular for the purpose of strengthening the ties between them, of creating an Arab Court of Justice, and of regulating the relations of the League with the international organizations that may be created in the future to guarantee security and peace.

No decision shall be taken as regards an amendment except in the session following that in which it is proposed.

Any State that does not approve an amendment may withdraw from the League when the amendment becomes effective, without being bound by the provisions of the preceding article.

Art. 20. The present Pact and its annexes shall be ratified in accordance with the fundamental form of government in each of the contracting States.

The instruments of ratification shall be filed with the General Secretariat and the present Pact shall become binding on the States that ratify in fifteen days after the Secretary-General receives instruments of ratification from four States.

The Present Pact has been drawn up in the Arabic language in Cairo and dated 8 Rabi al Thani 1364 (March 22, 1945), in a single text which shall be deposited with the General Secretariat.

A certified copy shall be sent to each of the States of the League.

ANNEX ON PALESTINE

At the end of the last Great War, Palestine together with the other Arab States, was separated from the Ottoman Empire. She became independent, not belonging to any other State.

The Treaty of Lausanne proclaimed that her fate should be decided by the parties concerned in Palestine.

Even though Palestine was not able to control her own destiny, it was on the basis of the recognition of her independence that the Covenant of the League of Nations determined a system of government for her.

Her existence and her independence among the nations can, therefore, no more be questioned *de jure* than the independence of any of the other Arab States.

Even though the outward signs of this independence have remained veiled as a result of *force majeure*, it is not fitting that this should be an obstacle to the participation of Palestine in the work of the League.

Therefore, the States signatory to the Pact of the Arab League consider that in view of Palestine's special circumstances, the Council of the League should designate an Arab delegate from Palestine to participate in its work until this country enjoys actual independence.

ANNEX ON CO-OPERATION WITH ARAB COUNTRIES NOT MEMBERS OF THE COUNCIL OF THE LEAGUE

Whereas the member States of the League will have to deal either in the Council or in the Committees with questions affecting the interests of the entire Arab world,

And whereas the Council cannot fail to take into account the aspirations of the Arab countries not members of the Council and to work toward their realization, the States signatory to the Pact of the Arab League strongly urge that the Council of the League should co-operate with them as far as possible in having them participate in the Committees referred to in the Pact and in other matters should not spare any effort to learn their needs and understand their aspirations and should moreover work for their common weal and the guarantee of their future by whatever political means available.

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MIDDLE EAST TREATY ORGANIZATION

See Central Treaty Organization

NEAR EASTERN FORESTRY COMMISSION

See Food and Agriculture Organization

NORDIC COUNCIL

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Nordic Council was established – as the Northern Council – by a Statute drawn up in March 1952 by the Governments of Denmark, Iceland, Norway and Sweden, following a decision of the Northern Interparliamentary Union in August 1951. This statute was amended in 1955 to permit the accession of Finland. A new Statute was drawn up in 1957 and entered into force on January 1, 1958.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Council is a consultative body to discuss questions of common interest to and matters involving joint action by any or all the members. It may make recommendations to Governments, such recommendations to be accompanied by information as to how each delegate has voted.¹

ORGANS

The organs are:

- (1) A Council, composed of sixty nine delegates of parliaments and of Government representatives.²
- (2) The Praesidium of the Council, consisting of the President and four Vice-Presidents, which meets between sessions of the Council.³
- (3) Secretariats in each country supervised by the Praesidium.⁴

MEMBERSHIP

The members are Denmark, Finland, Iceland, Norway and Sweden.

MEANS OF FINANCIAL SUPPORT

Each country defrays its own expenses and the Council apportions the common expenses.⁵

¹ Statute, Art. 1, 10.

² Id., Art. 2.

³ Id., Art. 5.

⁴ Id., Art. 8.

⁵ Id., Art. 13.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has informal relations with the United Nations, the Council of Europe and the NATO.

Following recommendations by the Council, the Scandinavian Patent Committee was established in 1955.

HEADQUARTERS

There is no central headquarters but Regional Secretariats are at Christiansborg, Copenhagen; Riksdagshuset, Helsinki; Altinget, Reykjavik; Stortinget, Oslo; Riksdagshuset, Stockholm.

STATUTE OF THE NORDIC COUNCIL¹

January 1st, 1958

Art. 1. Nordisk Råd (The Nordic Council) is a body formed for the purpose of consultation among the Folketing of Denmark, the Eduskunta-Riksdag of Finland, the Althing of Iceland, the Storting of Norway and the Riksdag of Sweden, as well as the Governments of these countries, in matters involving joint action by any or all of these countries.²

Art. 2. The Council shall consist of sixty nine elected delegates and of Government representatives.

For such terms and by such methods as shall be decided in each country, the Folketing of Denmark, the Eduskunta-Riksdag of Finland, the Storting of Norway and the Riksdag of Sweden shall each elect from among their members sixteen delegates to the Council and the necessary number of deputy delegates, and the Althing of Iceland shall elect from among its members five delegates to the Council and the necessary number of deputy delegates. Among the elected delegates of each country, different political opinions shall be represented.

Each Government may appoint from among its members as many Government representatives as it desires.

Art. 3. The Government representatives have no vote in the Council.

Art. 4. The Council shall meet once a year on such date as it may decide (Ordinary session). Furthermore, special meetings may be held, if the Council so decides, or if a meeting is requested by not less than two Governments or not less than twenty five elected delegates (Extraordinary session). Ordinary sessions shall be held in the capital of one of the countries, as decided by the Council.

Art. 5. For each ordinary session and for the period until the next ordinary session, the Council from among its elected delegates shall elect a President and four Vice-Presidents who, together, shall constitute the Praesidium of the Council.

Art. 6. The deliberations of the Council shall be open to the public, unless, in view of the special nature of a matter, the Council decides otherwise.

Art. 7. During each ordinary session the elected delegates shall form standing committees to undertake preparatory work in connection with matters before the Council. By decision of the Praesidium, the standing committees may meet also during inter-sessionary periods in special cases.

Special committees may be set up during inter-sessionary periods to prepare special matters.

¹ Unofficial translation (from the Danish text) supplied by the Danish Secretariat.

² The Folketing of Denmark, the Eduskunta-Riksdag of Finland, the Althing of Iceland, the Storting of Norway, and the Riksdag of Sweden are the legislative assemblies of the respective countries.

Art. 8. The delegation of each country shall appoint a Secretary and other staff members. The activities and collaboration of the secretariats shall be supervised by the Praesidium.

Art. 9. All Governments and delegates are entitled to submit a matter to the Council by written application to the Praesidium. The Praesidium shall cause such investigations to be made as it may deem necessary and shall send out the documentation to the Governments and delegates well ahead of the session.

Art. 10. The Council shall discuss questions of common interest to the countries and may adopt recommendations to the Governments. Recommendations shall be accompanied by information as to how each delegate has voted.

In questions which concern only certain of the countries, only the delegates from those countries may vote.

Art. 11. At each ordinary session, the Governments should inform the Council of any action taken on the recommendations of the Council.

Art. 12. The Council shall adopt its own rules of procedure.

Art. 13. Each country shall defray the expenses involved by its membership in the Council.

The Council shall decide how common expenses shall be apportioned.

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NORTH ATLANTIC TREATY ORGANIZATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The North Atlantic Treaty Organization was established by the North Atlantic Treaty which was signed on April 4, 1949. It followed the acceptance by Canada and the United States of an invitation to send observers to the permanent military organization set up under the Brussels Treaty (Western European Union, q.v.) in September 1948. It entered into force on August 24, 1949 upon the "ratification of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States."¹ It was supplemented by protocols signed at London and Paris on October 22, 1951 and October 23, 1954, concerning respectively, the accession of Greece and Turkey and of the Federal Republic of Germany.

There is provision for review of the Treaty after it has been in force for ten years if any of the parties so request.²

After the Treaty has been in force for twenty years "any party may cease to be a party one year after its notice of denunciation has been given to the Government of the United States of America".³

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Preamble of the Treaty states that the parties:

"are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law.

"They seek to promote stability and well-being in the North Atlantic area.

"They are resolved to unite their efforts for collective defense and for the preservation of peace and security."

The parties undertake to maintain and develop their individual and collective capacity to resist armed attack.⁴ An armed attack against any

¹ Treaty, Art. 11. ² Id., Art. 12. ³ Id., Art. 13. ⁴ Id., Art. 3.

of them in Europe or North America is considered an attack upon them all.¹ Joint action to restore and maintain the security of the North Atlantic area is contemplated as specifically authorized by Article 51 of the Charter of the United Nations.²

The Parties agree to "contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them."³

ORGANS

The organs (since the reorganization of the civilian agencies in Lisbon in February, 1952) are: ⁴

(1) A Council in which each member is represented, which meets at ministerial level two or three times a year and continuously throughout the year with the permanent representatives. It is the supreme body of the Organization.⁵

(2) The Council Committees.

(3) The International Secretariat.

On the military side they are

(4) The Military Committee composed of a chief of staff of each member country or his permanent military representative, in permanent session.

(5) The Standing Group, composed of representatives of the chiefs of staff of France, the United Kingdom and the United States.

(6) Three Commands and a Regional Planning Group.

MEMBERSHIP

The members are Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Turkey, United Kingdom and the United States.

MEANS OF FINANCIAL SUPPORT

There is no provision in the Treaty for financial requirements. The expenses are met by contributions of members.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has working relations with the Organization for European Economic Cooperation and Western European Union.

HEADQUARTERS

Its headquarters are at Porte d'Auteuil, Paris.

¹ *Id.*, Art. 5.

² *Id.*

³ *Id.*, Art. 2.

⁴ *Nato Handbook* 1959.

⁵ *Treaty*, Art. 9.

NORTH ATLANTIC TREATY¹

April 4, 1949

The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.

They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law.

They seek to promote stability and well-being in the North Atlantic area.

They are resolved to unite their efforts for collective defense and for the preservation of peace and security.

They therefore agree to this North Atlantic Treaty:

Art. 1. The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Art. 2. The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

Art. 3. In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Art. 4. The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

Art. 5. The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall

¹ Treaty Series 1964, U.S. Govt Printing Office, 1950. Dept of State Publication 3635, with amendments and protocols as published and supplied by NATO.

immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Art. 6. For the purpose of Article 5 an armed attack on one or more of the Parties is deemed to include an armed attack —

(1) on the territory of any of the Parties in Europe or North America, on the Algerian departments of France, on the territory of Turkey or, on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

(2) on the forces, vessels, or aircraft of any of the parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

Art. 7. This Treaty does not affect, and shall not be interpreted as affecting, in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

Art. 8. Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third state is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

Art. 9. The Parties hereby establish a council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The council shall be so organized as to be able to meet promptly at any time. The council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defense committee which shall recommend measures for the implementation of Articles 3 and 5.

Art. 10. The Parties may, by unanimous agreement, invite any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any state so invited may become a party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.

Art. 11. This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the states which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other states on the date of the deposit of their ratifications.

Art. 12. After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

Art. 13. After the Treaty has been in force for twenty years, any Party may cease to be a party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation.

Art. 14. This Treaty, of which the English and French texts are equally authentic shall be deposited in the archives of the Government of the United States of America. Duly certified copies thereof will be transmitted by that Government to the Governments of the other signatories.

PROTOCOL TO THE NORTH ATLANTIC TREATY ON THE ACCESSION OF GREECE AND TURKEY

Signed at London on October 22, 1959

The Parties to the North Atlantic Treaty, signed at Washington on 4 April, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Kingdom of Greece and the Republic of Turkey to that Treaty,

Agree as follows:

Art. 1. Upon the entry into force of this Protocol, the Government of the United States of America shall, on behalf of all the Parties, communicate to the Government of the Kingdom of Greece and the Government of the Republic of Turkey an invitation to accede to the North Atlantic Treaty, as it may be modified by Article 2 of the present Protocol. Thereafter the Kingdom of Greece and the Republic of Turkey shall each become a Party on the date when it deposits its instrument of accession with the Government of the United States of America in accordance with Article 10 of the Treaty.

Art. 2. If the Republic of Turkey becomes a Party to the North Atlantic Treaty, Article 6 of the Treaty shall, as from the date of the deposit by the Government of the Republic of Turkey of its instrument of accession with the Government of the United States of America, be modified to read as follows:

'For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack -

(1) on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, on the territory of Turkey or on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

(2) on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.'

Art. 3. The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of the receipt of each such notification and of the date of the entry into force of the present Protocol.

Art. 4. The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by the Government to the Governments of all the Parties to the North Atlantic Treaty.

PROTOCOL TO THE NORTH ATLANTIC TREATY ON THE ACCESSION OF THE FEDERAL REPUBLIC OF GERMANY

Signed at Paris October 23, 1954

The Parties to the North Atlantic Treaty signed at Washington on 4th April, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Federal Republic of Germany to that Treaty, and

Having noted that the Federal Republic of Germany has by a declaration dated 3rd October, 1954, accepted the obligations set forth in Article 2 of the Charter of the United Nations and has undertaken upon its accession to the North Atlantic Treaty to refrain from any action inconsistent with the strictly defensive character of that Treaty, and

Having further noted that all member governments have associated themselves with the declaration also made on 3rd October, 1954, by the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the French Republic¹ in connection with the aforesaid declaration of the Federal Republic of Germany,

Agree as follows:

Art. 1. Upon the entry into force of the present Protocol, the Government of the United States of America shall on behalf of all the Parties communicate to the Government of the Federal Republic of Germany an

invitation to accede to the North Atlantic Treaty. Thereafter the Federal Republic of Germany shall become a Party to that Treaty on the date when it deposits its instruments of accession with the Government of the United States of America in accordance with Article 10 of that Treaty.

Art. 2. The present Protocol shall enter into force, when (a) each of the Parties to the North Atlantic Treaty has notified to the Government of the United States of America its acceptance thereof, (b) all instruments of ratification of the Protocol Modifying and Completing the Brussels Treaty have been deposited with the Belgium Government, and (c) all instruments of ratification or approval of the Convention of the Presence of Foreign Forces in the Federal Republic of Germany have been deposited with the Government of the Federal Republic of Germany. The Government of the United States of America shall inform the other Parties to the North Atlantic Treaty of the date of the receipt of each notification of acceptance of the present Protocol and of the date of the entry into force of the present Protocol.

Art. 3. The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other Parties to the North Atlantic Treaty.

IN WITNESS WHEREOF, the undersigned Representatives, duly authorized thereto by their respective Governments, have signed the present Protocol.

SIGNED at Paris the twenty-third day of October nineteen hundred and fifty four.

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ORGANIZATION FOR EUROPEAN ECONOMIC CO-OPERATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Organization for European Economic Co-operation was established by the Convention for European Economic Co-operation, signed at Paris on April 16, 1948. It was put into operation provisionally on signature and came into full force, in accordance with article 24, on July 28, 1948, when six of the signatories deposited their instruments of ratification.

In 1960 discussions were held about the future of the OEEC in the light of developments connected with the European Communities of the Six and the European Free Trade Area. A committee of four, appointed to consider the problem, recommended that a reconstituted organization be established, entitled "Organization for Economic Co-operation and Development" and including as well Canada and the United States. It recommended that certain functional aims of the OEEC (i.e. the European Monetary Agreement, the European Nuclear Energy Agency) continue. This report was considered further by a conference and a decision is expected to be reached by 1961.¹

The OEEC had its origin in the statement by the United States Secretary of State George C. Marshall on June 5, 1947, that

"Europe's requirements for the next three or four years of foreign food and other essential products – principally from America – are so much greater than her present ability to pay that she must have substantial additional help or face economic, social, and political deterioration of a very grave character. It would be neither fitting nor efficacious for this Government to undertake to draw up unilaterally a program designed to place

¹ The Convention establishing the OECD was signed in Paris on December 14, 1960, by the eighteen OEEC members and the United States and Canada. Its text is reproduced following that of the OEEC.

The Fourth Meeting of the Development Assistance Group (members Belgium, Canada, France, Germany, Italy, Japan, Netherlands, Portugal, United Kingdom, United States and European Economic Community Commission) in March 1961, decided that it should be replaced by the Development Assistance Committee of OECD when the latter organization entered into force.

Europe on its feet economically. This is the business of the Europeans. The initiative, I think, must come from Europe. The role of this country should consist of friendly aid in the drafting of a European program and of later support of such a program so far as it may be practical for us to do so. The program should be a joint one, agreed to by a number of, if not all, European nations."

Acting on this suggestion, the Foreign Ministers of France and the United Kingdom met with the Soviet Foreign Minister to discuss the best means of proceeding. The Soviet Union, however, after this preliminary discussion with the British and French, refused to participate in working out a program. The United Kingdom and France then invited all European nations except Spain to meet with them in Paris in an effort to work out a joint recovery program. Sixteen European nations accepted the invitation. (Two nations from eastern Europe – Poland and Czechoslovakia – at first showed interest in participating but later withdrew.) The sixteen nations organized the Committee for European Cooperation on July 12, 1947.

The Committee met during the summer of 1947 and drew up a report concerning the requirements of a European recovery program, which was the basis for subsequent United States action. In that report the sixteen countries declared that "if the external means necessary for carrying through the program are made available to us, it is intended to create a joint organization charged with the task of reviewing the progress made and collecting information from the different governments regarding their progress." Accordingly, following the passage of an Act of Congress authorizing the program, the participating countries established the Organization.

The Constitution provides that any contracting party may withdraw by giving twelve months' notice to the French Government.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

The members undertook as an "immediate task" the "elaboration and execution of a joint recovery program."² The declared object was to "achieve as soon as possible and maintain a satisfactory level of economic activities without extraordinary outside assistance."³ They assumed a number of "General Obligations."⁴

The functions were declared to include the preparation and implementation of measures necessary to achieve a sound European economy, action to insure execution of the plan, the provision of assistance and information in connection with its execution, and assistance in the negotiation of necessary international agreements.⁵

Its decisions are by mutual agreement of all members present and voting.⁶

¹ Convention, Art. 27.

² Id., Art. 1.

³ Id.

⁴ Id., Arts. 2-9.

⁵ Id., Art. 12.

⁶ Id., Art. 14.

ORGANS

The organs are:

- (1) A Council, composed of all the members.¹
- (2) An Executive Committee, composed of representatives of seven members chosen annually by the Council.²
- (3) A Secretary-General.³
- (4) Technical Committees and subsidiary bodies.⁴

The following subordinate operational agencies of the OEEC have been set up:

(1) The European Fund and Multilateral System of Settlements. An intergovernmental agreement dated September 19, 1950, established the European Payments Union which continued in effect until June 30, 1956. On August 5, 1955, the European Monetary Agreement was signed, establishing the European Fund, and it entered into force upon the termination of the EPU. It was amended by a Protocol signed on June 27, 1958. The Fund and System of Settlements are operated, under the authority of the OEEC Council, by a Board of Management and by the Bank for International Settlements as the Agent (Article 17 of the European Monetary Agreement).

(2) The European Productivity Agency. The Statutes of the Agency were approved by the OEEC Council on March 24, 1953 and amended on July 26, 1957.

(3) European Nuclear Energy Agency. This was established by the OEEC Council in December 1957. On December 20, 1957, all OEEC Members signed a Convention on the Establishment of a Security Control, designed to ensure that joint undertakings and their products cannot be put to military use.

MEMBERSHIP

The members are: Austria, Belgium, Denmark, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

The United States and Canada send observers.

MEANS OF FINANCIAL SUPPORT

The regular expenses are borne by members on a scale determined by a supplementary protocol.⁵ There are special funds for the operational agencies.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has relations with the United Nations, Food and Agriculture Or-

¹ Id., Art. 15.

² Id., Art. 16.

³ Id., Art. 17.

⁴ Id., Arts. 15, 19.

⁵ Id., Art. 23.

ganization, International Labor Organization, the International Bank for Reconstruction and Development, the International Monetary Fund, the General Agreement on Tariffs and Trade, Council of Europe, European Economic Community, European Coal and Steel Community, Euratom, European Conference of Ministers of Transport, European Customs Union Study Group, Customs Co-operation Council, and the Bank for International Settlements.

The European Conference of Ministers of Transport reports annually to OEEC.

HEADQUARTERS

Its headquarters are at the Château de la Muette, 2 rue André Pascal, Paris.

CONVENTION FOR EUROPEAN ECONOMIC CO-OPERATION

Signed at Paris, April 16, 1948.¹

The Governments of Austria, Belgium, Denmark, France, Greece, Ireland, Iceland, Italy, Luxembourg, Norway, the Netherlands, Portugal, the United Kingdom, Sweden, Switzerland and Turkey and the Commanders in Chief of the French, United Kingdom and United States Zones of Occupation of Germany,

CONSIDERING that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations, the preservation of individual liberty and the increase of general well-being, and that it will contribute to the maintenance of peace;

RECOGNIZING that their economic systems are interrelated and that the prosperity of each of them depends on the prosperity of all;

BELIEVING that only by close and lasting co-operation between the contracting parties can the prosperity of Europe be restored and maintained, and ravages of war made good:

RESOLVED to implement the principles and to achieve the aims set forth in the general report of the Committee of European Economic Co-operation, particularly the speedy establishment of sound economic conditions enabling the contracting parties as soon as possible to achieve and maintain a satisfactory level of economic activity without extraordinary outside assistance, and to make their full contribution to world economic stability;

DETERMINED to combine their economic strength to these ends, to join together to make the fullest collective use of their individual capacities and potentialities, to increase their production, develop and modernize their industrial and agricultural equipment, expand their commerce, reduce progressively the barriers to trade among themselves, promote full employment and restore or maintain the stability of their economies and general confidence in their national currencies;

TAKING NOTE of the generous resolve of the American people expressed in the action taken to furnish the assistance, without which aims set forth above cannot be fully achieved;

RESOLVED to create the conditions and establish the institutions necessary for the success of European economic co-operation and for the effective use of American aid, and to conclude a convention to this end;

HAVE ACCORDINGLY APPOINTED the undersigned plenipotentiaries who having presented their full powers found in good and due form have agreed on the following provisions:

Art. 1. The contracting parties agree to work in close co-operation in their economic relations with one another.

¹ *New York Times*, April 16, 1948, reprinted in *International Organization*, World Peace Foundation, June 1948.

As their immediate task they will undertake the elaboration and execution of a joint recovery program.

The object of this program will be to achieve as soon as possible and maintain a satisfactory level of economic activity without extraordinary outside assistance, and to this end the program will take special account of the needs of the contracting parties to develop their exports to non-participating countries to the maximum extent possible.

Accordingly, they pledge themselves to carry out by their efforts of self-help and in a spirit of mutual aid the following general obligations, and hereby set up an organization for European economic co-operation, hereinafter referred to as the Organization.

PART I

GENERAL OBLIGATIONS

Art. 2. The contracting parties will, both individually and collectively, promote with vigor the development of production through efficient use of the resources at their command, whether in their metropolitan or overseas territories, and by the progressive modernization of equipment and techniques, in such manner as may best assist the accomplishment of the joint recovery program.

Art. 3. The contracting parties will, within the framework of the Organization and as often and to such extent as may be necessary, draw up general programs for the production and exchange of commodities and services. In so doing they will take into consideration their several estimates or programs and the general world economic conditions.

Each contracting party will use its best endeavors to obtain the fulfillment of such general programs.

Art. 4. The contracting parties will develop in mutual co-operation the maximum possible interchange of goods and services. To this end they will continue the efforts already initiated to achieve as soon as possible multilateral systems of payments among themselves and will cooperate in relaxing restrictions on trade and payments between one another, with the object of abolishing as soon as possible those restrictions which at present hamper such trade and payments.

In the application of this article the contracting parties will take due account of the necessity that they should, collectively and individually, correct or avoid excessive disequilibrium in their financial and economic relations, both among themselves and with non-participating countries.

Art. 5. The contracting parties agree to strengthen their economic links by all methods which they may determine will further the objectives of the present convention.

They will continue the study of customs unions, or analogous arrangements such as free trade areas, the formation of which might constitute one of the methods of achieving these objectives. Those contracting parties that have already agreed in principle to the creation of customs unions will further the establishment of such unions as rapidly as conditions permit.

Art. 6. The contracting parties will co-operate with other like-minded

ountries in reducing tariff and other barriers to the expansion of trade, with a view to achieving a sound and balanced multilateral trading system such as will accord with the principles of the Havana Charter.

Art. 7. Each contracting party will, having due regard to the need for a high and stable level of trade and employment, or for avoiding and countering the dangers of inflation, take such steps as lie within its power to achieve or maintain the stability of its currency and of its internal financial position, sound rates of exchange and, generally, confidence in its monetary system.

Art. 8. The contracting parties will make the fullest and most effective use of their available manpower.

They will endeavor to provide full employment for their own people and they may have recourse to the manpower available in the territory of any other contracting party. In the latter case they will in mutual agreement take the necessary measures to facilitate the movement of workers and to ensure their establishment in conditions satisfactory from the economic and social point of view.

Generally the contracting parties will co-operate in the progressive reduction of obstacles to the free movement of persons.

Art. 9. The contracting parties will furnish the Organization with all the information it may request of them to facilitate the accomplishment of its tasks.

PART II

THE ORGANIZATION

Membership

Art. 10. The members of the Organization shall be the parties to the present convention.

Aim

Art. 11. The aim of the Organization shall be the achievement of a sound European economy through the economic co-operation of the members. An immediate task of the Organization will be to ensure the success of the European Recovery Program, in accordance with the undertakings contained in Part I of the present convention.

Functions

Art. 12. Within the limits of such powers as are, or may be agreed for the Organization, its functions shall be:

(A) To prepare and implement, within the sphere of the collective action of the parties concerned, the measures necessary to achieve the aim laid down in Article 11 and to facilitate, promote and co-ordinate the individual action of the members.

(B) To facilitate and review the implementation of the present convention; to take such action as may be found appropriate in order to ensure its execution; and to this end, to provide for systems of observation

and review adequate to ensure the efficient use both of external aid and of indigenous resources.

(C) To provide the United States Government with such assistance and information as may be agreed in relation to the execution of the European Recovery Program and to address recommendations to that Government.

(D) At request of the interested parties, to assist in the negotiation of such international agreements as may be necessary for the better execution of the European Recovery Program. The Organization may also assume such other functions as may be agreed.

Powers

Art. 13. In order to achieve its aims as set out in Article 11 the Organization may:

(A) Take decisions for the implementation by members;

(B) Enter into agreements with its members, non-member countries, the United States Government and international organizations;

(C) Make recommendations to the United States Government, to other Governments and to international organizations.

Decisions

Art. 14. Unless the Organization otherwise agrees for special cases, decision shall be taken by mutual agreement of all the members. The abstention of any members declaring themselves not to be interested in the subject under discussion shall not invalidate decisions, which shall be binding for the other members.

The Council

Art. 15. (A) A Council composed of all the members shall be the body from which all decisions derive.

(B) The Council shall designate annually from among the members a Chairman and two Vice-Chairmen.

(C) The Council shall be assisted by an executive committee and secretary general. The Council may set up such technical committees, of other bodies, as may be required for performance of functions of the Organization. All such organs shall be responsible to the Council.

The Executive Committee

Art. 16. (A) The Executive Committee shall consist of seven members to be designated annually by the Council. It shall carry on its work in accordance with the general and specific instructions of the Council and shall report on it to the Council.

(B) The Council shall designate annually from among the members of the Executive Committee a Chairman and a Vice-Chairman.

(C) Any member of an organization not represented on the Executive Committee may take part in all discussions and decisions of that committee on any item specially affecting the interests of that member.

The members of the Organization shall be informed of the proceedings

of the Executive Committee by the circulation in good time of agenda and summary records.

The Secretary-General

Art. 17. (A) The Secretary-General shall be assisted by a first and second deputy Secretary-General.

(B) The Secretary-General and the deputy Secretaries-General shall be appointed by the Council. The Secretary-General shall be under the instructions of the Council.

(C) The Secretary-General shall attend or be represented at the meetings of the Council, the Executive Committee and, as required, at meetings of the technical committees and other bodies with the right to participate in discussion. He will prepare the meetings of the Council and of the Executive Committee and will ensure the execution of their decisions in accordance with the general and specific instructions of the Council and the Executive Committee.

Additional particulars as to the functions of the Secretary-General are set out in the annex to the present convention.

Secretariat

Art. 18. (A) The Secretary-General shall appoint such staff as the Organization may require. Senior staff appointments and the staff regulations shall be subject to approval by the Council.

(B) Having regard to the international character of the Organization the Secretary-General and the staff shall neither seek nor receive instructions from any Government or authority external to the Organization.

Technical Committees and Subsidiary Bodies

Art. 19. The technical committees and other bodies set up under Article 15 (C) shall be under the instructions of the Council. They shall be composed of the members most concerned and will so organize their work that other interested members may take part as may be necessary.

Relationships with Other International Organizations

Art. 20. (A) The Organization shall establish such formal or informal relationships with the United Nations, its principal organs and subsidiary bodies and with the specialized agencies as may best facilitate collaboration in the achievement of their respective aims.

(B) The Organization may also maintain relationships with other international bodies.

Headquarters

Art. 21. The headquarters of the Organization shall be in Paris. The Council, the several committees or the other bodies may meet elsewhere, should they so decide.

Legal Capacity, Privileges and Immunities

Art. 22. (A) The Organization shall enjoy in the territory of each of its members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes as defined in Supplementary Protocol No. 1 to the present convention.

(B) The Organization, its officials and representatives of the members of the Organization shall be entitled to the privileges and immunities set out in the above-mentioned protocol.

Financial Regulations

Art. 23. (A) The Secretary-General shall present to the Council for approval an annual budget and accounts drawn up in accordance with the financial regulations set out in Supplementary Protocol No. 2 of the present convention.

(B) The financial year of the Organization shall begin on July 1.

(C) The expenses of the Organization shall be borne by members and shall be apportioned in accordance with the provisions of the above-mentioned supplementary protocol.

PART III

FINAL CLAUSES

Ratification and Coming into Force

Art. 24. (A) The present convention shall be ratified. Instruments of ratification shall be deposited with the Government of the French Republic. The convention shall come into force upon the deposit of instruments of ratification by not less than six of the signatories. For each signatory ratifying thereafter, the convention shall come into force upon the deposit of its instrument of ratification.

(B) Nevertheless, pending the coming into force of the convention in the manner provided by the preceding paragraph, the signatories agree, to avoid delay in its execution, to put it into operation on signature, on a provisional basis and in accordance with their several constitutional requirements.

Accession

Art. 25. At any time after not less than ten instruments of ratification of the present convention have been deposited, any non-signatory European country may accede to it by notification addressed to the Government of the French Republic and with the assent of the Council of the Organization. Accessions shall take effect on the date of such assent.

Non-fulfilment of Obligations

Art. 26. If any member of the Organization ceases to fulfil its obligations under the present convention, it shall be invited to conform to the provisions of the convention. If the said member should not so conform

within the period indicated in the invitation, the other members may decide by mutual agreement to continue their co-operation within the Organization without that member.

Withdrawal

Art. 27. Any of the contracting parties may terminate the application of the present convention to itself by giving twelve months' notice to that effect to the Government of the French Republic.

Communications of Ratifications, Accessions and Withdrawals

Art. 28. Upon the receipt of any instrument of ratification, or accession or of any notice of withdrawal, the Government of the French Republic shall give notice thereof to all the contracting parties and to the Secretary-General of the Organization.

ANNEX

Functions of the Secretary-General

Provisions concerning the functions of the Secretary-General additional to those specified in Article 17:

(1) He may submit proposals to the Council and to the Executive Committee.

(2) He shall provide, in agreement with the chairmen of the technical committees, for these committees to be convened as required and for the necessary secretarial arrangements. He shall transmit to them as necessary the instructions of the Council and of the Executive Committee.

(3) He shall follow the work of the other bodies referred to in Article 15 and transmit to them as necessary the instructions of the Council and the Executive Committee.

(4) He shall, having regard to the provisions of Article 28 and in accordance with the instructions of the Council and the Executive Committee make the necessary arrangements for liaison with other international organizations.

(5) He shall exercise such other functions necessary for the efficient administration of the Organization as may be entrusted to him by the Council or by the Executive Committee.

In faith whereof the undersigned plenipotentiaries, being duly authorized to that effect, have signed the present convention and have affixed thereto their seals.

Done in Paris this 16th day of April, 1948, in the English and French languages, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Government of the French Republic, by which certified copies will be communicated to all the other signatories.

CONVENTION ON THE ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT¹

December 14, 1960

The Governments of the Republic of Austria, the Kingdom of Belgium, Canada, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Kingdom of Greece, the Republic of Iceland, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Portuguese Republic, Spain, the Kingdom of Sweden, the Swiss Confederation, the Turkish Republic, the United Kingdom of Great Britain and Northern Ireland, and the United States of America;

Considering that economic strength and prosperity are essential for the attainment of the purposes of the United Nations, the preservation of individual liberty and the increase of general well-being;

Believing that they can further these aims most effectively by strengthening the tradition of co-operation which has evolved among them;

Recognizing that the economic recovery and progress of Europe to which their participation in the Organization for European Economic Co-operation has made a major contribution, have opened new perspectives for strengthening that tradition and applying it to new tasks and broader objectives;

Convinced that broader co-operation will make a vital contribution to peaceful and harmonious relations among the peoples of the world;

Recognizing the increasing interdependence of their economies;

Determined by consultation and co-operation to use more effectively their capacities and potentialities so as to promote the highest sustainable growth of their economies and improve the economic and social well-being of their peoples;

Believing that the economically more advanced nations should co-operate in assisting to the best of their ability the countries in process of economic development;

Recognizing that the further expansion of world trade is one of the most important factors favoring the economic development of countries and the improvement of international economic relations; and

Determined to pursue these purposes in a manner consistent with their obligations in other international organizations or institutions in which they participate or under agreements to which they are a party;

Have therefore agreed on the following provisions for the reconstitution of the Organization for European Economic Co-operation as the Organization for Economic Co-operation and Development:

Art. 1. The aims of the Organization for Economic Co-operation and Development (hereinafter called the "Organization") shall be to promote policies designed:

¹ Published by OEEC.

(a) to achieve the highest sustainable economic growth and employment and a rising standard of living in Member countries, while maintaining financial stability, and thus to contribute to the development of the world economy;

(b) to contribute to sound economic expansion in Member as well as non-member countries in the process of economic development; and

(c) to contribute to the expansion of world trade on a multilateral, non-discriminatory basis in accordance with international obligations.

Art. 2. In the pursuit of these aims, the Members agree that they will, both individually and jointly:

(a) promote the efficient use of their economic resources;

(b) in the scientific and technological field, promote the development of their resources, encourage research and promote vocational training;

(c) pursue policies designed to achieve economic growth and internal and external financial stability and to avoid developments which might endanger their economies or those of other countries;

(d) pursue their efforts to reduce or abolish obstacles to the exchange of goods and services and current payments and maintain and extend the liberalization of capital movements; and

(e) contribute to the economic development of both Member and non-member countries in the process of economic development by appropriate means and, in particular, by the flow of capital to those countries, having regard to the importance to their economies of receiving technical assistance and of securing expanding export markets.

Art. 3. With a view to achieving the aims set out in Article 1 and to fulfilling the undertakings contained in Article 2, the Members agree that they will:

(a) keep each other informed and furnish the Organization with the information necessary for the accomplishment of its tasks;

(b) consult together on a continuing basis, carry out studies and participate in agreed projects; and

(c) co-operate closely and where appropriate take co-ordinated action.

Art. 4. The Contracting Parties to this Convention shall be Members of the Organization.

Art. 5. In order to achieve its aims, the Organization may:

(a) take decisions which, except as otherwise provided, shall be binding on all the Members;

(b) make recommendations to Members; and

(c) enter into agreements with Members, non-member States and international organizations.

Art. 6. 1. Unless the Organization otherwise agrees unanimously for special cases, decisions shall be taken and recommendations shall be made by mutual agreement of all the Members.

2. Each Member shall have one vote. If a Member abstains from voting on a decision or recommendation, such abstention shall not invalidate the decision or recommendation, which shall be applicable to the other Members but not to the abstaining Member.

3. No decision shall be binding on any Member until it has complied

with the requirements of its own constitutional procedures. The other Members may agree that such a decision shall apply provisionally to them.

Art. 7. A Council composed of all the Members shall be the body from which all acts of the Organization derive. The Council may meet in sessions of Ministers or of Permanent Representatives.

Art. 8. The Council shall designate each year a Chairman, who shall preside at its ministerial sessions, and two Vice-Chairmen. The Chairmen may be designated to serve one additional consecutive term.

Art. 9. The Council may establish an Executive Committee and such subsidiary bodies as may be required for the achievement of the aims of the Organization.

Art. 10. 1. A Secretary-General responsible to the Council shall be appointed by the Council for a term of five years. He shall be assisted by one or more Deputy Secretaries-General or Assistant Secretaries-General appointed by the Council on the recommendation of the Secretary-General.

2. The Secretary-General shall serve as Chairman of the Council meeting at sessions of Permanent Representatives. He shall assist the Council in all appropriate ways and may submit proposals to the Council or to any other body of the Organization.

Art. 11. 1. The Secretary-General shall appoint such staff as the Organization may require in accordance with plans of organization approved by the Council. Staff regulations shall be subject to approval by the Council.

2. Having regard to the international character of the Organization, the Secretary-General, the Deputy or Assistant Secretaries-General and the staff shall neither seek nor receive instructions from any of the Members or from any Government or authority external to the Organization.

Art. 12. Upon such terms and conditions as the Council may determine, the Organization may:

- (a) address communications to non-member States or organizations;
- (b) establish and maintain relations with non-member States or organizations; and
- (c) invite non-member Governments or organizations to participate in activities of the Organization.

Art. 13. Representation in the Organization of the European Communities established by the Treaties of Paris and Rome of 18th April, 1951, and 25th March, 1957, shall be as defined in Supplementary Protocol No. 1 to this Convention.

Art. 14. 1. This Convention shall be ratified or accepted by the Signatories in accordance with their respective constitutional requirements.

2. Instruments of ratification or acceptance shall be deposited with the Government of the French Republic, hereby designated as depositary Government.

3. This Convention shall come into force:

- (a) before 30th September, 1961, upon the deposit of instruments of ratification or acceptance by all the Signatories; or
- (b) on 30th September, 1961, if by that date fifteen Signatories or more

have deposited such instruments as regards those Signatories; and thereafter as regards any other Signatory upon the deposit of its instrument of ratification or acceptance;

(c) after 30th September, 1961, but not later than two years from the signature of this Convention, upon the deposit of such instruments by fifteen Signatories, as regards those Signatories; and thereafter as regards any other Signatory upon the deposit of its instrument of ratification or acceptance.

4. Any Signatory which has not deposited its instrument of ratification or acceptance when the Convention comes into force may take part in the activities of the Organization upon conditions to be determined by agreement between the Organization and such Signatory.

Art. 15. When this Convention comes into force the reconstitution of the Organization for European Economic Co-operation shall take effect, and its aims, organs, powers and name shall thereupon be as provided herein. The legal personality possessed by the Organization for European Economic Co-operation shall continue in the Organization, but decisions, recommendations and resolutions of the Organization for European Economic Co-operation shall require approval of the Council to be effective after the coming into force of this Convention.

Art. 16. The Council may decide to invite any Government prepared to assume the obligations of membership to accede to this Convention. Such decisions shall be unanimous, provided that for any particular case the Council may unanimously decide to permit abstention, in which case, notwithstanding the provisions of Article 6, the decision shall be applicable to all the Members. Accession shall take effect upon the deposit of an instrument of accession with the depositary Government.

Art. 17. Any Contracting Party may terminate the application of this Convention to itself by giving twelve months' notice to that effect to the depositary Government.

Art. 18. The Headquarters of the Organization shall be in Paris, unless the Council agrees otherwise.

Art. 19. The legal capacity of the Organization and the privileges, exemptions and immunities of the Organization, its officials and representatives to it of the Members shall be as provided in Supplementary Protocol No. 2 to this Convention.

Art. 20. 1. Each year, in accordance with Financial Regulations adopted by the Council, the Secretary-General shall present to the Council for approval an annual budget, accounts, and such subsidiary budgets as the Council shall request.

2. General expenses of the Organization, as agreed by the Council, shall be apportioned in accordance with a scale to be decided upon by the Council. Other expenditure shall be financed on such basis as the Council may decide.

Art. 21. Upon the receipt of any instrument of ratification, acceptance or accession, or of any notice of termination, the depositary Government shall give notice thereof to all the Contracting Parties and to the Secretary-General of the Organization.

In witness whereof, the undersigned Plenipotentiaries, duly empowered, have appended their signatures to this Convention.

Done in Paris, this 14th day of December Nineteen Hundred and Sixty, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited with the Government of the French Republic by whom certified copies will be communicated to all the Signatories.

SUPPLEMENTARY PROTOCOL No. 1 TO THE CONVENTION ON THE ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The signatories of the Convention on the Organization for Economic Co-operation and Development;

Have agreed as follows:

1. Representation in the Organization for Economic Co-operation and Development of the European Communities established by the Treaties of Paris and Rome of 18th April, 1951, and 25th March, 1957, shall be determined in accordance with the institutional provisions of those Treaties.

2. The Commissions of the European Economic Community and of the European Atomic Energy Community as well as the High Authority of the European Coal and Steel Community shall take part in the work of that Organization.

In witness whereof, the undersigned Plenipotentiaries, duly empowered, have appended their signatures to this Protocol.

Done in Paris, this 14th day of December, Nineteen Hundred and Sixty, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited with the Government of the French Republic, by whom certified copies will be communicated to all the Signatories.

SUPPLEMENTARY PROTOCOL No. 2 TO THE CONVENTION ON THE ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The signatories of the Convention on the Organization for Economic Co-operation and Development (hereinafter called the "Organization");

Have agreed as follows:

The Organization shall have legal capacity and the Organization, its officials, and representatives to it of the Members shall be entitled to privileges, exemptions, and immunities as follows:

(a) in the territory of the Contracting Parties to the Convention for European Economic Co-operation of 16th April, 1948, the legal capacity, privileges, exemptions, and immunities provided for in Supplementary Protocol No. 1 to that Convention;

(b) in Canada, the legal capacity, privileges, exemptions, and immunities provided for in any agreement or arrangement on legal capacity, privileges, exemptions, and immunities entered into between the Government of Canada and the Organization;

(c) in the United States, the legal capacity, privileges, exemptions, and immunities under the International Organizations Immunities Act provided for in Executive Order No. 10133 of 27th June, 1950; and

(d) elsewhere, the legal capacity, privileges, exemptions, and immunities provided for in any agreement or arrangement on legal capacity, privileges, exemptions, and immunities entered into between the Government concerned and the Organization.

In witness whereof, the undersigned Plenipotentiaries, duly empowered, have appended their signatures to this Protocol.

Done in Paris this 14th day of December, Nineteen Hundred and Sixty, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited with the Government of the French Republic, by whom certified copies will be communicated to all the Signatories.

PROTOCOL ON THE REVISION OF THE CONVENTION FOR EUROPEAN ECONOMIC CO-OPERATION OF 16TH APRIL, 1948

The governments of the Republic of Austria, the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Kingdom of Greece, the Republic of Iceland, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Portuguese Republic, Spain, and the Kingdom of Sweden, the Swiss Confederation, the Turkish Republic, the United Kingdom of Great Britain and Northern Ireland being the Contracting Parties to the Convention for European Economic Co-operation of 16th April, 1948, (hereinafter called the "Convention") and the Members of the Organization for European Economic Co-operation;

Desirous that the aims, organs, and powers of the Organization be re-defined and that the Governments of Canada and the United States of America be Members of that Organization as re-constituted;

Have agreed as follows:

Art. 1. The Convention shall be revised and as a consequence thereof it shall be replaced by the Convention on the Organization for Economic Co-operation and Development to be signed on today's date.

Art. 2. 1. This Protocol shall come into force when the Convention on the Organization for Economic Co-operation and Development comes into force.

2. The Convention shall cease to have effect as regards any Signatory of this Protocol when the Convention on the Organization for Economic Co-operation and Development comes into force.

In witness whereof, the undersigned Plenipotentiaries, duly empowered, have appended their signatures to this Protocol.

Done in Paris, this 14th day of December, Nineteen Hundred and Sixty, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited with the Government of the French Republic, by whom certified copies will be communicated to all the Signatories.

MEMORANDUM OF UNDERSTANDING ON THE APPLICATION OF ARTICLE 15 OF THE CONVENTION ON THE ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Article 15 of the Convention on the Organization for Economic Co-operation and Development (hereinafter called the "Convention") provides that decisions, recommendations and resolutions (hereinafter called "acts") of the Organization for European Economic Co-operation shall require approval of the Council of the Organization for Economic Co-operation and Development (hereinafter called the "Council") to be effective after the coming into force of the Convention.

Pursuant to a resolution adopted at the Ministerial Meeting of 22nd-23rd July, 1960, a Preparatory Committee has been established and instructed to carry further the review of the acts of the Organization for European Economic Co-operation, to determine which acts should be recommended to the Council for approval, and to recommend, where necessary, the modifications required in order to adjust these acts to the functions of the Organization for Economic Co-operation and Development.

At the said Ministerial Meeting it was agreed that there should be the maximum possible degree of certainty as regards approval by the Council of acts of the Organization for European Economic Co-operation in accordance with the recommendations of the Preparatory Committee; it was also agreed that Canada and the United States, not being Members of the Organization for European Economic Co-operation, should have a certain latitude with respect to the said recommendations.

Therefore the Signatories of the Convention have agreed as follows:

1. The representatives of the Signatories on the Council shall vote for approval of acts of the Organization for European Economic Co-operation in accordance with the recommendations of the Preparatory Committee, except as otherwise provided hereinafter.

2. Any Signatory which has not been a Member of the Organization for European Economic Co-operation shall be released from the commitment set out in paragraph 1 with respect to any recommendation or part thereof of the Preparatory Committee which it specifies in a notice to the Preparatory Committee no later than ten days after the deposit of its instrument of ratification or acceptance of the Convention.

3. If any Signatory gives notice pursuant to paragraph 2, any other

Signatory, if in its view such notice changes the situation in regard to the recommendation or part thereof in question in an important respect, shall have the right to request, within fourteen days of such notice, that the Preparatory Committee reconsider such recommendation or part thereof.

4. (a) If a Signatory gives notice pursuant to paragraph 2 and no request is made pursuant to paragraph 3, or, if such a request having been made, the reconsideration by the Preparatory Committee does not result in any modification of the recommendation or part thereof in question, the representative on the Council of the Signatory which has given notice shall abstain from voting on the act or part thereof to which the recommendation or part thereof in question pertains.

(b) If the reconsideration by the Preparatory Committee provided for in paragraph 3 results in a modified recommendation or part thereof, the representative on the Council of the Signatory which has given notice may abstain from voting on the act or part thereof to which the modified recommendation or part thereof pertains.

(c) Abstention by a Signatory pursuant to sub-paragraph (a) or (b) of this paragraph with respect to any act or part thereof shall not invalidate the approval of that act or part which shall be applicable to the other Signatories but not to the abstaining Signatory.

5. The provisions of this Memorandum relating to actions to be taken before the voting in the Council shall come into force upon its signature; the provisions relating to the voting in the Council shall come into force for each Signatory upon the coming into force of the Convention as regards that Signatory.

In witness whereof, the undersigned have appended their signature to this Memorandum.

Done in Paris, this 14th day of December, 1960, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited with the Government of the French Republic, by whom certified copies will be communicated to all the Signatories.

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ORGANIZATION OF AMERICAN STATES

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Organization of American States was established by a charter signed at the ninth International Conference of American States, Bogotá, Colombia, April 30, 1948.

In 1890 eighteen nations of the Western Hemisphere attending the "First International Conference of American States" in Washington had formed an association under the title, The International Union of American Republics, "for the prompt collection and distribution of commercial information."

The origin of the concept of an Inter-American organization is sometimes traced to the Treaty of Perpetual Union, League and Confederation, signed in 1826 by delegates of Central and South American countries, meeting at the invitation of Simón Bolívar at the Congress of Panama, Panama City. The idea persisted through the discussions of several congresses of Latin American countries during the nineteenth century, but until 1890 no steps were taken to found an organization. The Washington Conference of that year set up "The Commercial Bureau of the American Republics" which was the forerunner of the "Pan American Union."

The present Charter of April 30, 1948 was drawn up to provide a treaty basis for the organization, which up until the Bogotá Conference had rested upon the resolutions of International Conferences of American States and of the Inter-American Conference on Problems of War and Peace, Mexico City, 1945.

In 1902, at the "Second International Conference of American States," a Governing Board was established which placed the management of the Council Bureau in the American Republics in the hands of a committee selected from the diplomatic representatives in Washington of the members of the Bureau and the Secretary of State of the United States. The Bureau's duties included distributions of information on treaties to which the American republics were parties, assistance in obtaining ratification of

resolutions and conventions adopted at conferences, and duties as a permanent committee of the conferences.

In 1910 the names of the Bureau and the association were changed to the Pan American Union and the Union of American Republics, respectively. Those titles were retained until 1948.

In 1928 at the Sixth International Conference at Havana a convention was signed creating a "Union of American States" to seek fulfilment of its objectives through three organs (1) International Conferences of American States, (2) the Pan American Union, and (3) every organ established by convention between the American states. Sixteen countries, including the United States, ratified this convention, which however failed to become binding for the lack of ratification of all 21 signatories. The Sixth Conference also approved a resolution providing for the appointment of representatives other than diplomatic representatives in Washington and prohibiting the exercise of functions by the Governing Board and the Pan American Union which were political in character.

As the result of three meetings of consultation held during World War II to consider problems arising from the hostilities, new functions were given the Union and new inter-American organizations were founded. The Mexico City Conference of 1945, in its resolution IX, proposed to strengthen, reorganize, and consolidate the inter-American system, but looked to the Ninth Conference to give permanent form to the new organizational structure. This resolution provided for expanding of the powers of the Government Board by authorizing it to take action, within the limitations imposed by the Conference and the meetings of Foreign Ministers, "...on every matter that affects the effective functioning of the inter-American system and the solidarity and general welfare of the American Republics." It also created the Inter-American Economic and Social Council as the successor to the Inter-American Economic and Financial Advisory Committee. From 1945 to 1948 the Governing Board, taking resolution IX and the previous resolutions governing the Pan American Union as a basis, elaborated the Draft Organic Pact which was used by the Ninth Conference in drafting the charter of the Organization of American States.

The component organs of the Organization listed in the charter were not created at one time by action of the Ninth Conference. Most of them had been in existence, in substantially the same form as provided in the charter, since the early years of the regional association.

The general secretariat and central permanent organ of the organization, the Pan American Union, has developed from the Bureau mentioned above and the Council from the Governing Board of the Union.

The Charter entered into force on December 13, 1951, upon the receipt of the 14th ratification (by Colombia) in accordance with Article 109 which provides for entry into force when two-thirds of the signatory States have

deposited their ratifications. The Charter is to remain in force indefinitely "but may be denounced by any Member State upon written notification to the Pan American Union," such denunciation to take effect two years from the date of its receipt.¹

The Charter provided that "none of the provisions of this Charter shall be construed as impairing the rights and obligations of member States under the Charter of the United Nations."²

The Organization enjoys "such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes."³

FUNCTIONS AND POWERS OF THE ORGANIZATION

The "essential purposes" are as follows:

- "(a) To strengthen the peace and security of the continent;
- (b) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;
- (c) To provide for common action on the part of those States in the event of aggression;
- (d) To seek the solution of political, juridical and economic problems that may arise among them; and
- (e) to promote, by co-operative action, their economic, social and cultural development."⁴

ORGANS

The organs are:

(1) The Inter-American Conference, which is the "supreme organ." It is composed of representatives of all member States, each State being entitled to one vote.⁵ The Conference convenes every five years.⁶ The series of International Conferences of American States, commenced in 1890, are intended to continue in accordance with the provisions of the charter as "The Inter-American Conference."

(2) An "Organ of Consultation" consisting of the Meeting of Consultation of Ministers of Foreign Affairs.⁷ These meetings are expected to carry on the series which started with the first meeting in Panama in 1939, called pursuant to decisions regarding consultation taken by the Eighth Conference of Peace at Buenos Aires, 1936.

(3) An Advisory Defense Committee to advise the Organ of Consultation.⁸

(4) A Council composed of one representative of each member State,

¹ Charter Art. 112.

² Id., Art. 102.

³ Id., Art. 103.

⁴ Id., Art. 4.

⁵ Id., Arts. 33 and 34.

⁶ Id., Art. 35.

⁷ Id., Art. 39 *et seq.*

⁸ Id., Art. 44.

with the rank of Ambassador.¹ The Council has three subsidiary organs, (a) the Inter-American Economic and Social Council,² (b) the Inter-American Council of Jurists,³ and (c) the Inter-American Cultural Council.⁴

(5) The Pan American Union, which is "the cultural and permanent organ of the organization . . . and the General Secretariat."⁵

(6) A Security Council, elected by the Council for a ten year term.⁶

(7) The Inter-American Nuclear Energy Commission, with technical autonomy whose statutes were approved by the Council of the OAS on April 22, 1959.

(8) Specialized Conferences.⁷ The specialized conferences and the specialized organizations have long records of accomplishment prior to their incorporation into the new structure defined at Bogotá. There have been over 200 specialized conferences at which some 70 treaties and, in addition, numerous resolutions and other agreements were drawn up.

Since 1954 the following specialized congresses have had one or more meetings: Inter-American Travel Congress, Pan American Highway Congress, Inter-American Indian Conference, Pan American Sanitary Conference, Pan American Child Congress, Inter-American Statistical Conference, Inter-American Meeting of Ministers of Education, Specialized Conference of Natural Resources, the Continental Shelf and Marine Waters, Inter-American Port and Harbor Conference, Economic Conference of the OAS.⁸

(9) Specialized Organizations.⁹

The following organizations have been declared specialized organizations of this Organization: Pan American Institute of Geography and History, Inter-American Institute of Agricultural Science, Inter-American Commission of Women, Inter-American Indian Institute, Pan American Sanitary Organization, and American International Institute for the Protection of Childhood.

MEMBERSHIP

The members are Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States of America, Uruguay and Venezuela.

MEANS OF FINANCIAL SUPPORT

The charter does not specify means of financial support. It is supported

¹ Id., Art. 48.

² Id., Arts. 63-66.

³ Id., Arts. 67-72.

⁴ Id., Arts. 73-77.

⁵ Id., Art. 78.

⁶ Id., Art. 79.

⁷ Id., Arts. 93, 94.

⁸ U.S. Dept. of State Pub. 3655, Feb. 1950 and Report by Pan American Union to the Eleventh Inter-American Conference, Washington 1959.

⁹ Id., Arts. 95-101. They appear in their alphabetical place in these volumes.

however by contributions on the basis of a scale computed 40% on the basis of population and 60% on the basis of contributions of the American States to the United Nations.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has working relations with the United Nations, the International Labor Organization, the Food and Agriculture Organization, the International Civil Aviation Organization, UNESCO, the International Bureaux of Industrial and of Literary and Artistic Property, with its own specialized organizations and with the Inter-American Statistical Institute, the Inter-American Defense Board, the Inter-American Peace Committee, the Inter-American Development Bank and the Latin American Free Trade Association.

HEADQUARTERS

Its headquarters are at the Pan American Union, Washington.

CHARTER OF THE ORGANIZATION OF AMERICAN STATES¹

April 30, 1948

IN THE NAME OF THEIR PEOPLES, THE STATES REPRESENTED AT THE NINTH INTERNATIONAL CONFERENCE OF AMERICAN STATES,

Convinced that the historic mission of America is to offer to man a land of liberty, and a favorable environment for the development of his personality and the realization of his just aspirations;

Conscious that that mission has already inspired numerous agreements, whose essential value lies in the desire of the American peoples to live together in peace, and, through their mutual understanding and respect for the sovereignty of each one, to provide for the betterment of all, in independence, in equality and under law;

Confident that the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man;

Persuaded that their welfare and their contribution to the progress and the civilization of the world will increasingly require intensive continental co-operation;

Resolved to persevere in the noble undertaking that humanity has conferred upon the United Nations, whose principles and purposes they solemnly reaffirm;

Convinced that juridical organization is a necessary condition for security and peace founded on moral order and on justice; and

In accordance with Resolution IX of the Inter-American Conference on Problems of War and Peace, held at Mexico City,

HAVE AGREED

upon the following

CHARTER OF THE ORGANIZATION OF AMERICAN STATES

PART I

CHAPTER I

Nature and Purposes

Art. 1. The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity and their in-

¹ Published by Pan American Union, 1948.

dependence. Within the United Nations, the Organization of American States is a regional agency.

Art. 2. All American States that ratify the present Charter are Members of the Organization.

Art. 3. Any new political entity that arises from the union of several Member States and that, as such, ratifies the present Charter, shall become a Member of the Organization. The entry of the new political entity into the Organization shall result in the loss of membership of each one of the States which constitute it.

Art. 4. The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes:

- (a) To strengthen the peace and security of the continent;
- (b) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;
- (c) To provide for common action on the part of those States in the event of aggression;
- (d) To seek the solution of political, juridical and economic problems that may arise among them; and
- (e) To promote, by co-operative action, their economic, social and cultural development.

CHAPTER II

Principles

Art. 5. The American States reaffirm the following principles:

- (a) International law is the standard of conduct of States in their reciprocal relations;
- (b) International order consists essentially of respect for the personality, sovereignty and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law;
- (c) Good faith shall govern the relations between States;
- (d) The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy;
- (e) The American States condemn war of aggression: victory does not give rights;
- (f) An act of aggression against one American State is an act of aggression against all the other American States;
- (g) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;
- (h) Social justice and social security are bases of lasting peace;
- (i) Economic co-operation is essential to the common welfare and prosperity of the peoples of the continent;
- (j) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed or sex;

(k) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close co-operation for the high purposes of civilization;

(l) The education of peoples should be directed toward justice, freedom and peace.

CHAPTER III

Fundamental Rights and Duties of States

Art. 6. States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties. The rights of each State depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law.

Art. 7. Every American State has the duty to respect the rights enjoyed by every other State in accordance with international law.

Art. 8. The fundamental rights of States may not be impaired in any manner whatsoever.

Art. 9. The political existence of the State is independent of recognition by other States. Even before being recognized, the State has the right to defend its integrity and independence, to provide for its preservation and prosperity, and consequently to organize itself as it sees fit, to legislate concerning its interests, to administer its services, and to determine the jurisdiction and competence of its courts. The exercise of these rights is limited only by the exercise of the rights of other States in accordance with international law.

Art. 10. Recognition implies that the State granting it accepts the personality of the new State, with all the rights and duties that international law prescribes for the two States.

Art. 11. The right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State.

Art. 12. The jurisdiction of States within the limits of their national territory is exercised equally over all the inhabitants, whether nationals or aliens.

Art. 13. Each State has the right to develop its cultural, political and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.

Art. 14. Respect for and the faithful observance of treaties constitute standards for the development of peaceful relations among States. International treaties and agreements should be public.

Art. 15. No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements.

Art. 16. No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

Art. 17. The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

Art. 18. The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.

Art. 19. Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in Articles 15 and 17.

CHAPTER IV

Pacific Settlement of Disputes

Art. 20. All international disputes that may arise between American States shall be submitted to the peaceful procedures set forth in this Charter, before being referred to the Security Council of the United Nations.

Art. 21. The following are peaceful procedures: direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time.

Art. 22. In the event that a dispute arises between two or more American States which, in the opinion of one of them, cannot be settled through the usual diplomatic channels, the Parties shall agree on some other peaceful procedure that will enable them to reach a solution.

Art. 23. A special treaty will establish adequate procedures for the pacific settlement of disputes and will determine the appropriate means for their application, so that no dispute between American States shall fail of definitive settlement within a reasonable period.

CHAPTER V

Collective Security

Art. 24. Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States.

Art. 25. If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an armed attack or by an act of aggression that is not an armed attack, or by an extra-continental conflict, or by a conflict between two or more American States, or by any other fact or situation that might endanger the peace of America, the American States, in furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject.

CHAPTER VI

Economic Standards

Art. 26. The Member States agree to co-operate with one another, as far as their resources may permit and their laws may provide, in the broadest spirit of good neighborliness, in order to strengthen their economic structure, develop their agriculture and mining, promote their industry and increase their trade.

Art. 27. If the economy of an American State is affected by serious conditions that cannot be satisfactorily remedied by its own unaided effort, such State may place its economic problems before the Inter-American Economic and Social Council to seek through consultation the most appropriate solution for such problems.

CHAPTER VII

Social Standards

Art. 28. The Member States agree to co-operate with one another to achieve just and decent living conditions for their entire populations.

Art. 29. The Member States agree upon the desirability of developing their social legislation on the following bases:

(a) All human beings, without distinction as to race, nationality, sex, creed or social condition, have the right to attain material well-being and spiritual growth under circumstances of liberty, dignity, equality of opportunity, and economic security;

(b) Work is a right and a social duty; it shall not be considered as an article of commerce; it demands respect for freedom of association and for the dignity of the worker; and it is to be performed under conditions that ensure life, health and a decent standard of living, both during the working years and during old age, or when any circumstance deprives the individual of the possibility of working

CHAPTER VIII

Cultural Standards

Art. 30. The Member States agree to promote, in accordance with their constitutional provisions and their material resources, the exercise of the right to education, on the following bases:

(a) Elementary education shall be compulsory and, when provided by the State, shall be without cost;

(b) Higher education shall be available to all, without distinction as to race, nationality, sex, language, creed or social condition.

Art. 31. With due consideration for the national character of each State, the Member States undertake to facilitate free cultural interchange by every medium of expression.

PART II

CHAPTER IX

The Organs

Art. 32. The Organization of American States accomplishes its purpose by means of:

- (a) The Inter-American Conference;
- (b) The Meeting of Consultation of Ministers of Foreign Affairs;
- (c) The Council;
- (d) The Pan American Union;
- (e) The Specialized Conferences; and
- (f) The Specialized Organizations.

CHAPTER X

The Inter-American Conference

Art. 33. The Inter-American Conference is the supreme organ of the Organization of American States. It decides the general action and policy of the Organization and determines the structure and functions of its Organs, and has the authority to consider any matter relating to friendly relations among the American States. These functions shall be carried out in accordance with the provisions of this Charter and of other inter-American treaties.

Art. 34. All Member States have the right to be represented at the Inter-American Conference. Each State has the right to one vote.

Art. 35. The Conference shall convene every five years at the time fixed by the Council of the Organization, after consultation with the government of the country where the Conference is to be held.

Art. 36. In special circumstances and with the approval of two-thirds of the American Governments, a special Inter-American Conference may be held, or the date of the next regular Conference may be changed.

Art. 37. Each Inter-American Conference shall designate the place of meeting of the next Conference. If for any unforeseen reason the Conference cannot be held at the place designated, the Council of the Organization shall designate a new place.

Art. 38. The program and regulations of the Inter-American Conference shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

CHAPTER XI

The Meeting of Consultation of Ministers of Foreign Affairs

Art. 39. The Meeting of Consultation of Ministers of Foreign Affairs shall be held in order to consider problems of an urgent nature and of common interest to the American States, and to serve as the Organ of Consultation.

Art. 40. Any Member State may request that a Meeting of Consultation be called. The request shall be addressed to the Council of the Organization, which shall decide by an absolute majority whether a meeting should be held.

Art. 41. The program and regulations of the Meeting of Consultation shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

Art. 42. If, for exceptional reasons, a Minister of Foreign Affairs is unable to attend the meeting, he shall be represented by a special delegate.

Art. 43. In case of an armed attack within the territory of an American State or within the region of security delimited by treaties in force, a Meeting of Consultation shall be held without delay. Such Meeting shall be called immediately by the Chairman of the Council of the Organization, who shall at the same time call a meeting of the Council itself.

Art. 44. An Advisory Defense Committee shall be established to advise the Organ of Consultation on problems of military co-operation that may arise in connection with the application of existing special treaties on collective security.

Art. 45. The Advisory Defense Committee shall be composed of the highest military authorities of the American States participating in the Meeting of Consultation. Under exceptional circumstances the Governments may appoint substitutes. Each State shall be entitled to one vote.

Art. 46. The Advisory Defense Committee shall be convoked under the same conditions as the Organ of Consultation, when the latter deals with matters relating to defense against aggression.

Art. 47. The Committee shall also meet when the Conference or the Meeting of Consultation or the Governments, by a two-thirds majority of the Member States, assign to it technical studies or reports on specific subjects.

CHAPTER XII

The Council

Art. 48. The Council of the Organization of American States is composed of one Representative of each Member State of the Organization, especially appointed by the respective Government, with the rank of Ambassador. The appointment may be given to the diplomatic representative accredited to the Government of the country in which the Council has its seat. During the absence of the titular Representative, the Government may appoint an interim Representative.

Art. 49. The Council shall elect a Chairman and a Vice-Chairman, who shall serve for one year and shall not be eligible for election to either of those positions for the term immediately following.

Art. 50. The Council takes cognizance, within the limits of the present Charter and of inter-American treaties and agreements, of any matter referred to it by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs.

Art. 51. The Council shall be responsible for the proper discharge by the Pan American Union of the duties assigned to it.

Art. 52. The Council shall serve provisionally as the Organ of Consultation when the circumstances contemplated in Article 43 of this Charter arise.

Art. 53. It is also the duty of the Council:

(a) To draft and submit to the Governments and to the Inter-American Conference proposals for the creation of new Specialized Organizations or for the combination, adaptation or elimination of existing ones, including matters relating to the financing and support thereof;

(b) To draft recommendations to the Governments, the Inter-American Conference, the Specialized Conferences or the Specialized Organizations, for the co-ordination of the activities and programs of such organizations, after consultation with them;

(c) To conclude agreements with the Inter-American Specialized Organizations to determine the relations that shall exist between the respective agency and the Organization;

(d) To conclude agreements or special arrangements for co-operation with other American organizations of recognized international standing;

(e) To promote and facilitate collaboration between the Organization of American States and the United Nations, as well as between Inter-American Specialized Organizations and similar international agencies;

(f) To adopt resolutions that will enable the Secretary-General to perform the duties envisaged in Article 84;

(g) To perform the other duties assigned to it by the present Charter.

Art. 54. The Council shall establish the bases for fixing the quota that each Government is to contribute to the maintenance of the Pan American Union, taking into account the ability to pay of the respective countries and their determination to contribute in an equitable manner. The budget, after approval by the Council, shall be transmitted to the Governments at least six months before the first day of the fiscal year, with a statement of the annual quota of each country. Decisions on budgetary matters require the approval of two-thirds of the members of the Council.

Art. 55. The Council shall formulate its own regulations.

Art. 56. The Council shall function at the seat of the Pan American Union.

Art. 57. The following are organs of the Council of the Organization of American States:

(a) The Inter-American Economic and Social Council;

(b) The Inter-American Council of Jurists; and

(c) The Inter-American Cultural Council.

Art. 58. The organs referred to in the preceding article shall have technical autonomy within the limits of this Charter; but their decisions shall not encroach upon the sphere of action of the Council of the Organization.

Art. 59. The organs of the Council of the Organization are composed of representatives of all the Member States of the Organization.

Art. 60. The organs of the Council of the Organization shall, as far as possible, render to the Governments such technical services as the latter may request; and they shall advise the Council of the Organization on matters within their jurisdiction.

Art. 61. The organs of the Council of the Organization shall, in agreement with the Council, establish co-operative relations with the corresponding organs of the United Nations and with the national or international agencies that function within their respective spheres of action.

Art. 62. The Council of the Organization, with the advice of the appropriate bodies and after consultation with the Governments, shall formulate

the statutes of its organs in accordance with and in the execution of the provisions of this Charter. The organs shall formulate their own regulations.

A) *The Inter-American Economic and Social Council*

Art. 63. The Inter-American Economic and Social Council has for its principal purpose the promotion of the economic and social welfare of the American nations through effective co-operation for the better utilization of their natural resources, the development of their agriculture and industry and the raising of the standards of living of their peoples.

Art. 64. To accomplish this purpose the Council shall:

(a) Propose the means by which the American nations may give each other technical assistance in making studies and formulating and executing plans to carry out the purposes referred to in Article 26 and to develop and improve their social services;

(b) Act as co-ordinating agency for all official inter-American activities of an economic and social nature;

(c) Undertake studies on its own initiative or at the request of any Member State;

(d) Assemble and prepare reports on economic and social matters for the use of the Member States;

(e) Suggest to the Council of the Organization the advisability of holding specialized conferences on economic and social matters;

(f) Carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

Art. 65. The Inter-American Economic and Social Council, composed of technical delegates appointed by each Member State, shall meet on its own initiative or on that of the Council of the Organization.

Art. 66. The Inter-American Economic and Social Council shall function at the seat of the Pan American Union, but it may hold meetings in any American city by a majority decision of the Member States.

B) *The Inter-American Council of Jurists*

Art. 67. The purpose of the Inter-American Council of Jurists is to serve as an advisory body on juridical matters; to promote the development and codification of public and private international law; and to study the possibility of attaining uniformity in the legislation of the various American countries, insofar as it may appear desirable.

Art. 68. The Inter-American Juridical Committee of Rio de Janeiro shall be the permanent committee of the Inter-American Council of Jurists.

Art. 69. The Juridical Committee shall be composed of jurists of the nine countries selected by the Inter-American Conference. The selection of the jurists shall be made by the Inter-American Council of Jurists from a panel submitted by each country chosen by the Conference. The Members of the Juridical Committee represent all Member States of the Organization. The Council of the Organization is empowered to fill any vacancies that occur during the intervals between Inter-American Con-

ferences and between meetings of the Inter-American Council of Jurists.

Art. 70. The Juridical Committee shall undertake such studies and preparatory work as are assigned to it by the Inter-American Council of Jurists, the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization. It may also undertake those studies and projects which, on its own initiative, it considers advisable.

Art. 71. The Inter-American Council of Jurists and the Juridical Committee should seek the co-operation of national committees for the codification of international law, of institutes of international and comparative law, and of other specialized agencies.

Art. 72. The Inter-American Council of Jurists shall meet when convened by the Council of the Organization, at the place determined by the Council of Jurists at its previous meeting.

C) *The Inter-American Cultural Council*

Art. 73. The purpose of the Inter-American Cultural Council is to promote friendly relations and mutual understanding among the American peoples, in order to strengthen the peaceful sentiments that have characterized the evolution of America, through the promotion of educational, scientific and cultural exchange.

Art. 74. To this end the principal functions of the Council shall be:

- (a) To sponsor inter-American cultural activities;
- (b) To collect and supply information on cultural activities carried on in and among the American States by private and official agencies both national and international in character;
- (c) To promote the adoption of basic educational programs adapted to the needs of all population groups in the American countries;
- (d) To promote, in addition, the adoption of special programs of training, education and culture for the indigenous groups of the American countries;
- (e) To co-operate in the protection, preservation and increase of the cultural heritage of the continent;
- (f) To promote co-operation among the American nations in the fields of education, science and culture, by means of the exchange of materials for research and study, as well as the exchange of teachers, students, specialists and, in general, such other persons and materials as are useful for the realization of these ends;
- (g) To encourage the education of the peoples for harmonious international relations;
- (h) To carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

Art. 75. The Inter-American Cultural Council shall determine the place of its next meeting and shall be convened by the Council of the Organization on the date chosen by the latter in agreement with the Government of the country selected as the seat of the meeting.

Art. 76. There shall be a Committee for Cultural Action of which five States, chosen at each Inter-American Conference, shall be members. The

individuals composing the Committee for Cultural Action shall be selected by the Inter-American Cultural Council from a panel submitted by each country chosen by the Conference, and they shall be specialists in education or cultural matters. When the Inter-American Cultural Council and the Inter-American Conference are not in session, the Council of the Organization may fill vacancies that arise and replace those countries that find it necessary to discontinue their co-operation.

Art. 77. The Committee for Cultural Action shall function as the permanent committee of the Inter-American Cultural Council, for the purpose of preparing any studies that the latter may assign to it. With respect to these studies the Council shall have the final decision.

CHAPTER XIII

The Pan American Union

Art. 78. The Pan American Union is the central and permanent organ of the Organization of American States and the General Secretariat of the Organization. It shall perform the duties assigned to it in this Charter and such other duties as may be assigned to it in other inter-American treaties and agreements.

Art. 79. There shall be a Secretary-General of the Organization, who shall be elected by the Council for a ten-year term and who may not be reelected or be succeeded by a person of the same nationality. In the event of a vacancy in the office of Secretary-General, the Council shall, within the next ninety days, elect a successor to fill the office for the remainder of the term, who may be re-elected if the vacancy occurs during the second half of the term.

Art. 80. The Secretary-General shall direct the Pan American Union and be the legal representative thereof.

Art. 81. The Secretary-General shall participate with voice, but without vote, in the deliberations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, the Specialized Conferences, and the Council and its organs.

Art. 82. The Pan American Union, through its technical and information offices, shall, under the direction of the Council, promote economic, social, juridical and cultural relations among all the Member States of the Organization.

Art. 83. The Pan American Union shall also perform the following functions:

(a) Transmit *ex officio* to Member States the convocation to the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialized Conferences;

(b) Advise the Council and its organs in the preparation of programs and regulations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialized Conferences;

(c) Place, to the extent of its ability, at the disposal of the Government of the country where a conference is to be held, the technical aid and personnel which such Government may request;

(d) Serve as custodian of the documents and archives, of the Inter-American Conference, of the Meeting of Consultation of Ministers of Foreign Affairs, and, insofar as possible, of the Specialized Conferences;

(e) Serve as depository of the instruments of ratification of inter-American agreements;

(f) Perform the functions entrusted to it by the Inter-American Conference, and the Meeting of Consultation of Ministers of Foreign Affairs;

(g) Submit to the Council an annual report on the activities of the Organization;

(h) Submit to the Inter-American Conference a report on the work accomplished by the Organs of the Organization since the previous Conference.

Art. 84. It is the duty of the Secretary-General:

(a) To establish, with the approval of the Council, such technical and administrative offices of the Pan American Union as are necessary to accomplish its purposes;

(b) To determine the number of department heads, officers and employees of the Pan American Union; to appoint them, regulate their powers and duties, and fix their compensation, in accordance with general standards established by the Council.

Art. 85. There shall be an Assistant Secretary-General, elected by the Council for a term of ten years and eligible for reelection. In the event of a vacancy in the office of Assistant Secretary-General, the Council shall, within the next ninety days, elect a successor to fill such office for the remainder of the term.

Art. 86. The Assistant Secretary-General shall be the Secretary of the Council. He shall perform the duties of the Secretary-General during the temporary absence or disability of the latter, or during the ninety-day vacancy referred to in Article 79. He shall also serve as advisory officer to the Secretary-General, with the power to act as his delegate in all matters that the Secretary-General may entrust to him.

Art. 87. The Council, by a two-thirds vote of its members, may remove the Secretary-General or the Assistant Secretary-General whenever the proper functioning of the Organization so demands.

Art. 88. The heads of the respective departments of the Pan American Union, appointed by the Secretary-General, shall be the Executive Secretaries of the Inter-American Economic and Social Council, the Council of Jurists and the Cultural Council.

Art. 89. In the performance of their duties the personnel shall not seek or receive instructions from any government or from any other authority outside the Pan American Union. They shall refrain from any action that might reflect upon their position as international officials responsible only to the Union.

Art. 90. Every Member of the Organization of American States pledges itself to respect the exclusively international character of the responsibilities of the Secretary-General and the personnel, and not to seek to influence them in the discharge of their duties.

Art. 91. In selecting its personnel the Pan American Union shall give first consideration to efficiency, competence and integrity; but at the

same time importance shall be given to the necessity of recruiting personnel on as broad a geographical basis as possible.

Art. 92. The seat of the Pan American Union is the city of Washington.

CHAPTER XIV

The Specialized Conferences

Art. 93. The Specialized Conferences shall meet to deal with special technical matters or to develop specific aspects of inter-American co-operation, when it is so decided by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs; when inter-American agreements so provide; or when the Council of the Organization considers it necessary, either on its own initiative or at the request of one of its organs or of one of the Specialized Organizations.

Art. 94. The program and regulations of the Specialized Conferences shall be prepared by the organs of the Council of the Organization or by the Specialized Organizations concerned; they shall be submitted to the Member Governments for consideration and transmitted to the Council for its information.

CHAPTER XV

The Specialized Organizations

Art. 95. For the purposes of the present Charter, Inter-American Specialized Organizations are the intergovernmental organizations established by multilateral agreements and having specific functions with respect to technical matters of common interest to the American States.

Art. 96. The Council shall, for the purposes stated in Article 53, maintain a register of the Organizations that fulfil the conditions set forth in the foregoing Article.

Art. 97. The Specialized Organizations shall enjoy the fullest technical autonomy and shall take into account the recommendations of the Council, in conformity with the provisions of the present Charter.

Art. 98. The Specialized Organizations shall submit to the Council periodic reports on the progress of their work and on their annual budgets and expenses.

Art. 99. Agreements between the Council and the Specialized Organizations contemplated in paragraph (c) of Article 53 may provide that such Organizations transmit their budgets to the Council for approval. Arrangements may also be made for the Pan American Union to receive the quotas of the contributing countries and distribute them in accordance with the said agreements.

Art. 100. The Specialized Organizations shall establish co-operative relations with world agencies of the same character in order to co-ordinate their activities. In concluding agreements with international agencies of a world-wide character, the Inter-American Specialized Organizations shall preserve their identity and their status as integral parts of the

Organization of American States, even when they perform regional functions of international agencies.

Art. 101. In determining the geographic location of the Specialized Organizations the interests of all the American States shall be taken into account.

PART III

CHAPTER XVI

The United Nations

Art. 102. None of the provisions of this Charter shall be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations.

CHAPTER XVII

Miscellaneous Provisions

Art. 103. The Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes.

Art. 104. The Representatives of the Governments on the Council of the Organization, the representatives on the organs of the Council, the personnel of their delegations, as well as the Secretary-General and the Assistant Secretary-General of the Organization, shall enjoy the privileges and immunities necessary for the independent performance of their duties.

Art. 105. The juridical status of the Inter-American Specialized Organizations and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the Pan American Union, shall be determined in each case through agreements between the respective organizations and the Governments concerned.

Art. 106. Correspondence of the Organization of American States, including printed matter and parcels, bearing the frank thereof, shall be carried free of charge in the mails of the Member States.

Art. 107. The Organization of American States does not recognize any restriction on the eligibility of men and women to participate in the activities of the various Organs and to hold positions therein.

CHAPTER XVIII

Ratification and Entry into Force

Art. 108. The present Charter shall remain open for signature by the American States and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the Spanish, English, Portuguese and French texts of which are equally authentic, shall be deposited with the Pan American Union, which shall transmit certified copies thereof to the Governments for purposes of ratification. The instruments of ratification shall be deposited with the Pan American Union, which shall notify the signatory States of such deposit.

Art. 109. The present Charter shall enter into force among the ratifying States when two-thirds of the signatory States have deposited their ratifications. It shall enter into force with respect to the remaining States in the order in which they deposit their ratifications.

Art. 110. The present Charter shall be registered with the Secretariat of the United Nations through the Pan American Union.

Art. 111. Amendments to the present Charter may be adopted only at an Inter-American Conference convened for that purpose. Amendments shall enter into force in accordance with the terms and the procedure set forth in Article 109.

Art. 112. The present Charter shall remain in force indefinitely, but may be denounced by any Member State upon written notification to the Pan American Union, which shall communicate to all the others each notice of denunciation received. After two years from the date on which the Pan American Union receives a notice of denunciation, the present Charter shall cease to be in force with respect to the denouncing State, which shall cease to belong to the Organization after it has fulfilled the obligations arising from the present Charter.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, whose full powers have been presented and found to be in good and due form, sign the present Charter at the city of Bogotá, Colombia, on the dates that appear opposite their respective signatures.

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ORGANIZATION OF CENTRAL AMERICAN STATES

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Organization of Central American States was established by a Charter signed at San Salvador on October 4, 1951, and known as the "Charter of San Salvador."¹ The Charter entered into force on January 9, 1952, in accordance with Article 21, on the day when instruments of ratification of the Republics of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua were deposited. There is no provision for withdrawal from the Organization.

The Charter states in its preamble that the members are "separate parts of one and the same nation." It says that "it is necessary to remove the artificial barriers that separate the Central American Peoples and to achieve the united will to solve their problems and protect their interests through collective and systematic action;" also that "the methods tried during the independent existence of the Central American Republics to restore their former Union have proved ineffective;" and that "modern International Law offers adequate formulas to this end through the establishment of regional organizations."²

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes of the organization are to strengthen the bonds between the Central American countries, to consult with one another in order to guarantee and maintain fraternal relations, to prevent any misunderstanding, to insure the pacific settlement of disputes that may arise between them, to assist one another, to seek joint solutions of their common

¹ Charter Art. 22.

² Id., Preamble.

problems, and to promote their economic and social cultural development through co-operative and joint action.¹

The provisions of their Charter are not to affect the "respect for and compliance with the constitutional principles of each Republic" and are not to be "interpreted as prejudicing the rights and obligations of the Central American Republics as members of the United Nations and of the Organization of American States."²

ORGANS

The organs are:

(1) Meetings of the Presidents of the Central American Republics. This is the "Supreme Organ."³

(2) Meetings of the Ministers of Foreign Affairs held normally every two years. Each member has one vote and decisions on "substantive" matters must be unanimous. "When doubt exists as to whether a question is substantive or procedural" the Charter says it "shall be decided by unanimous vote."⁴

(3) Occasional meetings of the Ministers of other Departments.⁵

(4) The Central American Bureau, which is the "General Secretariat."⁶

(5) The Economic Council.⁷

There are also provisions for "subsidiary organs"⁸ and for a "Special Council."⁹

MEMBERSHIP

The members are Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua. Membership is "open to the Republic of Panama."¹⁰

MEANS OF FINANCIAL SUPPORT

It is supported by contributions of members.

HEADQUARTERS

Its headquarters are at the Oficina Centroamericana, San Salvador.

¹ Id., Art. 1.

² Id., Art. 18.

³ Id., Art. 5.

⁴ Id., Arts. 6, 7, 9.

⁵ Id., Arts. 4, 10.

⁶ Id., Arts. 4, 11.

⁷ Id., Arts. 4, 14.

⁸ Id., Art. 15.

⁹ Id., Art. 17.

¹⁰ Id., Interim Provisions.

CHARTER OF THE ORGANIZATION OF CENTRAL AMERICAN STATES¹

(CHARTER OF SAN SALVADOR)

October 14, 1951

The Governments of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, inspired by the highest Central American ideals, desirous of achieving the most beneficial and fraternal *rapprochement* between the Republics of Central America, and confident of interpreting faithfully the sentiments of their respective peoples; and

Whereas:

The Central American Republics, separate parts of one and the same nation, remain united by indestructible bonds which should be used and consolidated for the collective good;

For the progressive development of their institutions and the common solution of their problems, the fraternal and organized co-operation of all is essential;

It is necessary to remove the artificial barriers that separate the Central American peoples and to achieve the united will to solve their problems and protect their interests through collective and systematic action;

The methods tried during the independent existence of the Central American Republics to restore their former unity have proved ineffective; and

Modern international law offers adequate formulas to this end through the establishment of regional organizations;

Therefore:

The Governments mentioned above have decided to establish an Organization of Central American States for the co-ordination of their common efforts. For this purpose their Ministers of Foreign affairs, duly authorized, have agreed on the following:

PURPOSES

Art. 1. Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua will constitute the Organization of Central American States (O.C.A.S.) with the aim of strengthening the bonds that unite them; of consulting one another to guarantee and maintain fraternal relations in this part of the Continent; to prevent and avert any misunderstanding, and to ensure the pacific settlement of any dispute that may arise between them; to assist one another; to seek joint solutions of their common problems, and promote their economic, social, and cultural development through co-operative and joint action.

¹ Supplied by the Pan American Union.

PRINCIPLES

Art. 2. The Central American Republics, as Members of the United Nations and of the Organization of American States, in establishing the Organization of Central American States, reaffirm their faith in the principles of the Charter of the United Nations and the Charter of the Organization of American States and their adherence thereto.

Art. 3. The Organization of Central American States is founded on the principles established in the Charter of the United Nations and the Charter of the Organization of American States, and, more particularly, on the juridical equality of States, mutual respect, and the principle of non-intervention.

THE ORGANS

Art. 4. The following shall be Organs of the Organization of Central American States:

The Occasional Meeting of Presidents;
The Meeting of Ministers of Foreign Affairs;
The Occasional Meeting of Ministers of other Departments;
The Central American Bureau; and
The Economic Council.

Art. 5. When the five Presidents of the Central American Republics meet in a conference, such Meeting shall be the supreme organ of the Organization.

Art. 6. The principal organ of the Organization of Central American States is the Meeting of Ministers of Foreign Affairs.

The Ministers of Foreign Affairs may be accompanied by Counselors and Advisors, who, when not nationals born in a Central American Republic may not replace the Minister concerned at the meetings.

In the event of inability to attend, a Minister of Foreign Affairs may be represented by a Special Delegate.

Art. 7. A regular Meeting of Ministers of Foreign Affairs shall be held normally every two years, and a special meeting whenever at least three of the Ministers consider it necessary.

Art. 8. The Meeting of Ministers of Foreign Affairs shall be held in rotation in the city designated by the Government concerned, in the following order: Guatemala, Nicaragua, El Salvador, Honduras, and Costa Rica.

Art. 9. Each Republic shall have only one vote at the Meeting of Ministers of Foreign Affairs.

Decisions on substantive matters must be adopted unanimously. When doubt exists as to whether a question is substantive or procedural, it shall be decided by unanimous vote.

Art. 10. Meetings of Ministers of other Departments may be called by any of the Governments when, in any department of Public Administration, it is faced with a problem the solution of which merits collective study and a joint Central American plan.

Art. 11. The Central American Bureau is the General Secretariat of the Organization.

Its duties shall include: (a) serving as the General Secretariat of the Meeting of Ministers of Foreign Affairs and of the occasional Meetings of Ministers of other Departments; (b) co-ordinating the work of the various organs and assisting them in their work; and (c) preparing and distributing all the pertinent documents.

The seat of the Central American Bureau shall be in the capital of the Republic of El Salvador.

Art. 12. In charge of the Central American Bureau there shall be a Secretary-General elected by the Meeting of Ministers of Foreign Affairs for an unextendable term of four years. This official may not be re-elected.

The Secretary-General shall appoint the necessary auxiliary personnel, taking into account in his selection an equitable Central American geographic distribution.

Art. 13. For the maintenance of the Bureau a quota shall be fixed for each of the Members of the Organization in accordance with the budget and schedule submitted by an *Ad Hoc* Committee and approved by the Meeting of Ministers of Foreign Affairs.

Art. 14. The Economic Council shall perform the functions assigned to it by the Meeting of Ministers of Foreign Affairs, which it shall inform of its activities and work, and to which it shall submit the proposals and recommendations agreed upon by it.

The said Council shall be composed of the Delegates appointed by the Governments and shall meet at least once a year, at a time and place to be determined by the Organ itself.

SUBSIDIARY ORGANS

Art. 15. The Meeting of Ministers of Foreign Affairs may create as subsidiary organs such Councils, Institutes, and Commissions as it considers desirable for the study of various problems.

The seat of the various subsidiary Organs shall be designated in accordance with an equitable geographic distribution and in conformity with the needs that have determined their creation.

Art. 16. Each of the various subsidiary Organs shall submit detailed reports on its work to the Meeting of Ministers of Foreign Affairs and may suggest such resolutions and measures as it considers pertinent. They shall also give an account to the Meeting, at each regular session, of the progress of their respective work, and shall advise the Meetings of Ministers of the various departments regarding the work entrusted to them.

SPECIAL COUNCIL

Art. 17. There shall be a Council composed of the diplomatic representatives of the Republics of Central America in the country which is the seat of the next Meeting of Ministers of Foreign Affairs and of a delegate of the Foreign Office concerned.

This Council shall advise the Government of the host country in the preparations for the Meeting.

GENERAL PROVISIONS

Art. 18. None of the provisions of the present Charter shall affect the respect for and compliance with the constitutional principles of each Republic, nor may it be interpreted as prejudicing the rights and obligations of the Central American Republics as members of the United Nations and of the Organization of American States, or the particular positions that any of them may have taken through specific reservations in treaties or agreements still in effect.

Art. 19. The present Charter shall be ratified by the Central American Republics as soon as possible in accordance with their respective constitutional procedures.

It shall be registered with the Secretariat of the United Nations pursuant to Article 102 of its Charter.

Art. 20. The original of the present Charter shall be deposited in the Salvadorian Foreign Office, which shall transmit a certified true copy to the Ministers of Foreign Affairs of the remaining Central American Republics.

The instruments of ratification shall also be deposited at the Salvadorian Foreign Office, which shall notify the Foreign Offices of the other Republics of the deposit of each of the said instruments.

Art. 21. The present Charter shall enter into force on the day on which the instruments of ratification of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua are deposited.

Art. 22. This agreement on the Organization of Central American States shall be called the "Charter of San Salvador".

INTERIM PROVISIONS

1. The present agreement shall remain open to the Republic of Panama so that, at any time, it may adhere to this Charter and become a member of the Organization of Central American States.

2. The first regular Meeting of the Ministers of Foreign Affairs shall be convened by the Government of the Republic of Guatemala, within the year following the date on which the present Charter enters into force.

IN WITNESS WHEREOF, the Ministers of Foreign Affairs of the Central American Republics sign this document in the city of San Salvador on this fourteenth day of October, one thousand nine hundred and fifty-one.

ORGANIZATION OF PETROLEUM EXPORTING COUNTRIES

NOTE

This organization was established by a resolution of a Conference held in Baghdad in September 1960 with the purpose "to study and formulate a system to ensure the stabilization of prices by, among other means, the regulation of production, with due regard to the interests of producing and of consuming nations, and to the necessity of securing a steady income to the producing countries, an efficient, economic and regular supply of this source of energy to consuming nations, and a fair return on their capital to those investing in the petroleum industry".¹

A further meeting was held in January 1961 to decide, among other things, upon the establishment of a secretariat and the choice of a headquarters.

Countries which have attended one or both of these meetings: Iran, Iraq, Kuwait, Lebanon, Qatar, Saudi Arabia and Venezuela.

¹ Quoted in "Economist", January 14, 1961.

PAN AMERICAN CHILD CONGRESS

See Organization of American States

PAN AMERICAN HEALTH ORGANIZATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This Organization is a Specialized Organization of the Organization of the American States. Its present constitution was formulated and adopted by the newly created Directing Council of the Organization at its first meeting, held at Buenos Aires, November 1947. The Constitution was ratified by the Thirteenth Pan American Sanitary Conference in 1950 and amended by the Fifteenth Conference at San Juan, Puerto Rico, in October 1958.

The Second International Conference of American States, which met in Mexico City, 1901-2, authorized the calling of periodic sanitary conferences of representatives of the American republics and the creation of a permanent International Sanitary Bureau in Washington. The Bureau, established in 1902, developed from an organization with eleven participating countries, concerned mainly with the receipt and dissemination of information relating to incidences and new occurrences of certain epidemic diseases, to one with extensive responsibilities and with membership of all of the American republics.

The name of the Bureau was changed in 1920 to the Pan American Sanitary Bureau, and in 1924 the Seventh Pan American Sanitary Conference adopted the Pan American Sanitary Convention which placed the organization on a conventional basis.¹ The Twelfth Pan American Sanitary Conference, held at Caracas in 1947, adopted the name Pan American Sanitary Organization, modified the structure of the organization and authorized the adoption of a new constitution. In 1958 the name was changed to Pan American Health Organization.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The "fundamental purposes" of the Organization are "to promote and co-ordinate efforts of the countries of the Western Hemisphere to combat

¹ See Basic Texts and Publications, p. 249.

disease, lengthen life and promote the physical and mental health of the people.”¹

ORGANS

Its organs are:

(1) The Pan American Sanitary Conference, composed of not more than three delegates of members, each member government being entitled to one vote.² The Conference normally meets once every four years.³

(2) A Directing Council, composed of one representative from each member Government. The Council meets normally once a year.⁴

(3) An Executive Committee of the Directing Council composed of seven member governments elected by the Council, meeting at least every six months.⁵

(4) The Pan American Sanitary Bureau.⁶

MEMBERSHIP

The members are Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States of America, Uruguay and Venezuela. The West Indian Federation, the territories of France, of the Netherlands, and the non-self governing territories of the United Kingdom in the Americas have the right to be represented.⁷

MEANS OF FINANCIAL SUPPORT

It is supported by contributions from member governments on the basis of quotas determined by the Council.⁸ Members' contributions are on the same basis as the expenses of Pan American Union.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Pan American Health Organization is a Specialized Organization of the Organization of American States.

It also serves as the regional office, for the Americas, of the World Health Organization under an Agreement of May 24, 1949.

It co-operates with the International Labor Organization, the Food and Agriculture Organization, the United Nations Economic and Social Council and the United Nations.

HEADQUARTERS

Its headquarters are at 1501 New Hampshire Avenue NW, Washington.

¹ Constitution, Art. 1.

² Id., Arts. 3, 5 and 6.

³ Id., Art. 7.

⁴ Id., Arts. 9 and 10.

⁵ Id., Arts. 13 and 14.

⁶ Id., Arts. 17-20.

⁷ Id., Art. 2.

⁸ Id., Art. 21.

CONSTITUTION OF THE PAN AMERICAN HEALTH ORGANIZATION¹

October 2, 1947, as amended in October 1958

Preamble

Progress in the sciences of public health and medicine together with new and wider concepts of the responsibilities of governments in matters of health make it essential to broaden the scope of international health work in the Western Hemisphere and to develop and strengthen the Pan American Sanitary Bureau in order that it may be able to carry out fully the obligations imposed by this progress.

Acting in accordance with the Final Act of the XII Pan American Sanitary Conference, the Directing Council hereby adopts the following Constitution for the Pan American Health Organization.

CHAPTER I

The Organization

Art. 1. Purposes: The fundamental purposes of the Pan American Health Organization shall be to promote and co-ordinate efforts of the Countries of the Western Hemisphere to combat disease, lengthen life, and promote the physical and mental health of the people.

Art. 2. Membership:

A. The Pan American Health Organization is at present composed of the twenty-one American Republics. All self-governing nations of the Western Hemisphere are entitled to membership in the Pan American Health Organization.

B. Territories or groups of territories within the Western Hemisphere which are not responsible for the conduct of their international relations shall have the right to be represented and to participate in the Organization. The nature and extent of the rights and obligations of these territories or groups of territories in the Organization shall be determined in each case by the Directing Council after consultation with the Government or other authorities having responsibility for their international relations. It is understood that Member Governments having under their jurisdiction subordinate territories and peoples within the Western Hemisphere will apply the provisions of the Pan American Sanitary Code and of this Constitution to such territories and peoples.

Art. 3. Organs: The Pan American Health Organization shall comprise:

¹ Basic Documents of the Pan American Health Organization, Third Edition, December 1958.

1. The Pan American Sanitary Conference (hereinafter called the Conference);
2. The Directing Council (hereinafter called the Council);
3. The Executive Committee of the Directing Council (hereinafter called the Executive Committee); and
4. The Pan American Sanitary Bureau.

CHAPTER II

The Conference

Art. 4. Functions:

A. The Conference shall be the supreme governing authority of the Organization.

B. The Conference shall determine the general policies of the Organization, including financial policy, and shall instruct, as deemed proper, the Directing Council, the Executive Committee and the Director of the Bureau with respect to any matter within the scope of the Organization.

C. The Conference, when it deems necessary, may delegate any of its functions to the Directing Council which will execute them on behalf of the Conference during intervals between meetings of the Conference.

D. The Conference shall serve as a forum for the interchange of information and ideas relating to the prevention of disease, the promotion, preservation and restoration of mental and physical health, and the advancement of socio-medical measures and facilities for the prevention and treatment of physical and mental diseases in the Western Hemisphere.

E. The Conference shall elect the Director of the Pan American Sanitary Bureau by a two-thirds vote of the countries represented and with the right to vote. In case of the resignation, incapacity or death of the Director, between meetings of the Conference, the Directing Council shall elect a Director who shall act *ad interim*.

Art. 5. Composition:

A. The Conference shall be composed of delegates of Member Governments of the Organization and of any other territories or groups of territories to which the right of representation has been extended in accordance with Article 2, Paragraph B, of the Constitution.

B. Each Government shall be represented by not more than three delegates, one of whom shall be designated by the respective Member Government as Chief Delegate. Delegates may have alternates and advisers. Delegates selected by the respective Member Governments should include specialists in public health, preferably officials of national public health services.

Art. 6. Voting:

A. Each Member Government officially represented at the Conference shall have the right to one vote. The participating territories or groups of territories officially represented at the Conference shall enjoy the prerogatives established under Article 2, Paragraph B.

B. Motions shall be considered adopted when they have obtained the affirmative vote of a majority of the participating Governments entitled

to vote which are represented and voting at the meeting where the vote is taken, except when the Conference may decide otherwise. Any representative may make reservations or abstain from voting.

Art. 7. Meetings:

A. The Conference shall normally meet once in four years in the country determined by its immediately preceding meeting, on a date fixed by the host Government after consultation with the Director. No two successive meetings of the Conference shall be held in the same country.

B. At least one year in advance of the date of the quadrennial meeting of the Conference, the Government of the country in which the Conference is to meet shall appoint a committee to co-operate with the Pan American Sanitary Bureau in organizing the meeting.

C. At least three months prior to the convening of the Conference, the Director shall submit to the participating Governments a comprehensive Report on the progress of the Organization since the last meeting of the Conference.

D. The agenda for the meeting of the Conference shall be prepared by the Director and approved in advance by the Executive Committee. The Conference may adopt additions to or modifications of the agenda in accordance with its own rules of procedure.

E. Each participating Government shall pay the expenses of its representatives to each meeting of the Conference. The Pan American Sanitary Bureau shall pay the expenses of its personnel attending the meetings.

F. The Conference shall elect its own officers and shall adopt its own rules of procedure.

G. When the Executive Committee has approved the agenda for any meeting of the Conference, a copy of the agenda shall be sent to the Director General of the World Health Organization. Representatives of the World Health Organization are entitled to participate, without vote, in the meetings of the Conference.

CHAPTER III

The Council

Art. 8. Functions:

A. The Council shall perform those functions delegated to it by the Conference, shall act on its behalf between meetings of the Conference, and shall carry out the decisions and policies of the Conference.

B. Whenever the post of Director of the Pan American Sanitary Bureau becomes vacant, the Council shall elect an *ad interim* Director in accordance with Article 4, Paragraph E.

C. The Council shall review the annual reports of the Chairman of the Executive Committee and of the Director of the Pan American Sanitary Bureau.

D. The Council shall review and approve the annual budget of the Organization.

E. The Council shall submit an annual report to the participating Governments.

F. The Council may provide for the establishment of such branch offices as it or the Conference may deem necessary to carry out the purposes of the Organization.

Art. 9. Composition:

A. The Council shall be composed of one representative from each Member Government of the Organization, and one representative from each territory or group of territories to which the right of representation in the Organization has been extended under Article 2, Paragraph B, of this Constitution. The representatives selected by each of the participating Governments shall be chosen from among specialists in public health, preferably officials of the national health services. Each representative may be accompanied by alternates or advisers.

B. Each Member Government officially represented on the Council shall have one vote. Other participating Governments officially represented on the Council shall enjoy the privileges established under Article 2, Paragraph B.

C. Motions shall be considered adopted when they have received the affirmative vote of the majority of the participating Governments entitled to vote, which are represented and present at the moment when the vote is taken, except when the Council decides otherwise.

D. The Director of the Pan American Sanitary Bureau shall be an *ex officio* member of the Council without the right to vote.

Art. 10. Meetings:

A. The Council shall meet normally at least once each year. Each Government shall pay the expenses of its representative.

B. The agenda for the meeting of the Council shall be prepared in advance by the Director of the Pan American Sanitary Bureau and approved by the Executive Committee. Additions or modifications of the agenda may be adopted by the Council in accordance with its own rules of procedure.

C. The Director of the Pan American Sanitary Bureau shall inform the World Health Organization or its Interim Commission of the agenda to be discussed at the meetings of the Council. Representatives of the World Health Organization are entitled to participate, without vote, in the meetings of the Council.

Art. 11. Officers and Rules of Procedure:

The Council shall elect its own officers and shall adopt its own rules of procedure.

CHAPTER IV

The Executive Committee

Art. 12. Functions:

The functions of the Executive Committee shall be:

A. To authorize the Director of the Pan American Sanitary Bureau to convoke meetings of the Council.

B. To approve the agenda of meetings of the Conference and of the Council.

C. To consider and submit to the Conference or to the Council the proposed program and budget prepared by the Director with such recommendations as it deems advisable.

D. To advise the Council regarding matters referred to the Executive Committee by that body, or on its own initiative, regarding other matters relating to the activities of the Council or of the Pan American Sanitary Bureau.

E. To carry out such other duties as may be authorized by the Council.

Art. 13. Composition:

A. The Executive Committee shall be composed of seven Member Governments elected by the Council for overlapping terms of three years. Each of the elected governments shall be entitled to designate one representative to the Executive Committee and in addition as many alternates and advisers as it deems necessary. A Member Government shall not be eligible for re-election to the Executive Committee until one year has elapsed.

B. Member Governments not represented on the Executive Committee may, at their own expense, send observers who may, in accordance with the rules of procedure of the Executive Committee, participate without vote in the proceedings of the Executive Committee.

Art. 14. Meetings:

A. The Executive Committee shall meet with due advance notice at least every six months or whenever a meeting is called by the Director of the Pan American Sanitary Bureau, or upon request of at least three Member Governments. One of these meetings may be held at the time and place of the annual meeting of the Council.

B. The expenses of the representatives to the Executive Committee attending meetings concurrent with, immediately preceding or immediately following those of the Directing Council, shall be borne by Member Governments. Expenses of representatives to other meetings of the Executive Committee, or, in the event that any representative is unable to attend, of an alternate, shall be paid by the Pan American Sanitary Bureau.

Art. 15. Officers:

At each meeting the Executive Committee shall elect its own officers from among representatives present.

Art. 16. Rules of Procedure:

The Executive Committee shall adopt its own rules of procedure.

CHAPTER V

The Pan American Sanitary Bureau

Art. 17. Functions:

The duties and functions of the Pan American Sanitary Bureau shall be those specified in the Pan American Sanitary Code, and those which are assigned in the future by the Conference or the Council in fulfillment of the purposes expressed in Article 1 of this Constitution.

Art. 18. Administration:

A. The Pan American Sanitary Bureau shall have a Director designated in accordance with the provisions of Article 4, paragraph E. In the event of the resignation, incapacity or death of the Director, the Assistant Director shall assume his duties until the next meeting of the Council.

B. The Pan American Sanitary Bureau shall have an Assistant Director and a Secretary General appointed by the Director with the approval of the Executive Committee. The Director shall also appoint all other personnel of the Pan American Sanitary Bureau. All appointments shall be in accordance with the rules and regulations adopted by the Council. These rules and regulations shall specify the conditions governing the selection of personnel competent to carry out the duties entrusted to the Pan American Sanitary Bureau. Whenever possible, the widest geographic distribution shall be followed in regard to the recruiting of the personnel.

C. The Director of the Pan American Sanitary Bureau shall create in the central office and its branches, such sections as are deemed necessary in order to carry out the program of health activities authorized by the Organization.

Art. 19. International Character of the Personnel:

A. No member of the staff of the Pan American Sanitary Bureau may act as a representative of any Government.

B. In the performance of their duties, the Director and all personnel of the Pan American Sanitary Bureau shall not seek nor receive instructions from any government or from any authority external to the Pan American Health Organization. They shall refrain from any action which is incompatible with their position as international officers. Each Member Government on its part, shall undertake to respect the exclusively international character of the Director and the personnel and shall not seek to influence them.

Art. 20. Technical Commissions:

The Director of the Pan American Sanitary Bureau may appoint such permanent technical commissions as are authorized by the Conference or the Council, as well as such non-permanent technical commissions as are authorized by the Conference, by the Council, or by the Executive Committee.

CHAPTER VI

Budget

Art. 21. Financial obligations of the Governments:

A. The Pan American Health Organization shall be financed by contributions from Member Governments.

B. Each Member Government, after approval of the quota determined by the Council, shall make its regular annual contribution.

C. Member Governments may make contributions for general expenses and extraordinary contributions for specific purposes, in addition to their regular annual quota contributions.

D. The non-self-governing territories that participate in the Organization may contribute on the same terms established for the Member Governments.

Art. 22. Donations:

The Council, the Executive Committee or the Director may accept and administer donations and bequests made to the Organization provided that

any conditions attached to such donations or bequests are consistent with the purposes and policies of the Organization.

CHAPTER VII

Relations

Art. 23. The Council may make suitable arrangements for consultation and co-operation with other organizations having interest in or relation to public health, and to this end may conclude special agreements with such organizations.

CHAPTER VIII

Modifications

Art. 24. Revisions of the Pan American Sanitary Code:

A. The Director of the Bureau shall prepare periodic revisions of the Pan American Sanitary Code in accordance with general needs and policies determined by the Conference or the Council.

B. Such revisions shall be reviewed by the Executive Committee and submitted to the Conference or Council for approval.

C. Such revisions shall be submitted to participating Governments for appropriate action as recommendations of the Conference, or the Council.

Art. 25. Amendments to the Constitution:

The Conference or the Directing Council may approve and put into force, in accordance with policies which they may determine, amendments to this Constitution.

CHAPTER IX

Validity

Art. 26. Entry into Force:

A. This Constitution shall enter into force when approved by the Council.

B. The previous Constitution is hereby revoked.

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PAN AMERICAN HIGHWAY CONGRESSES

See Organization of American States

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Pan American Institute of Geography and History is a Specialized Organization of the Organization of American States. Its creation was recommended by a resolution of the Sixth International Conference of American States adopted in Havana in January 1928. The Organization was not originally the subject of any special intergovernmental agreement other than the action of the Conference of American States. This resolution of 1928 had been preceded by similar proposals in 1903 and resolutions adopted by the Third Pan American Scientific Conference at Lima in 1924, recommending that a Pan American Federation of Geographic Societies be constituted and that an Institute of Oceanography and Cartography be founded.

The present Organic Statute was adopted by the Sixth General Assembly of the Institute in Mexico City, July 25 to August 6, 1955, and entered into effect, by its terms, from the date it was approved by the General Assembly.¹

The original Statutes were adopted in January 1928 and new ones were adopted in August 1946 and revised in October 1950.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes of the Institute are: "to encourage, co-ordinate, and publicize geographic, historical, and related scientific studies; and to initiate and execute any studies or research assignments of this character requested by the Member States. In addition, it is charged with promoting co-operation with American organizations interested in these fields of activity including specifically co-operation among geographic and historical

¹ Statute, Preamble and Art. 42.

institutes of the Member States. No work of a political or sectarian nature may be undertaken.”¹

ORGANS

The organs are:

(1) A General Assembly meeting every four years, which is the “supreme deliberative organ of the institute,”² composed of delegates appointed by Member States, each delegation being entitled to one vote.³

(2) A Directing Council, composed of representatives of Member States with the President of the Institute and the Vice-President as Chairman and Vice-Chairman, and *ex-officio* the Chairman of Commissions.⁴ The Directing Council meets annually.⁵

(4) Commissions and Committees.⁶

(5) The General Secretariat.⁷

MEMBERSHIP

The members are Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States of America, Uruguay and Venezuela.

Canada has been represented at meetings of the Institute since 1942 by observers.

MEANS OF FINANCIAL SUPPORT

The Institute is supported by annual quota contributions of members proportionate to population, ranging from 6 to 400 units.⁸

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Institute is a Specialized Organization of the Organization of American States.

It has working relations with the United Nations, and the International Civil Aviation Organization.

HEADQUARTERS

Its headquarters are at Ex-Arzobispado 29, Mexico City.

¹ Id., Art. 1.

² Id., Art. 6.

³ Id., Art. 7, 9.

⁴ Id., Art. 16.

⁵ Id., Art. 17.

⁶ Id., Arts. 25-32.

⁷ Id., Arts. 21-24.

⁸ Art. 37.

ORGANIC STATUTES OF THE PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY¹

August 1955

The Sixth General Assembly of the Pan American Institute of Geography and History.

Considering: That at the Sixth International Conference of American States, held at Havana in January 1928, a resolution was approved creating the Pan American Institute of Geography and History, establishing the bases according to which it should function; and

That it is necessary to adopt standards to enable the Institute to operate with the maximum efficiency for the attainment of its high purposes.

Resolves: To adopt the following Statutes of the Pan American Institute of Geography and History:

Purposes of the Institute

Art. 1. The Pan American Institute of Geography and History is a Specialized Organization of the Organization of American States. Its purposes are: to encourage, co-ordinate, and publicize geographic, historical, cartographical and related scientific studies; and to initiate and execute any studies or research assignments of this character requested by the Member States. In addition, it is charged with promoting co-operation with American organizations interested in these fields of activity, including specifically co-operation among geographic and historical institutes of the Member States. No work of a political or sectarian nature may be undertaken.

Members

Art. 2. Only American States may be members of the Institute.

Art. 3. The Member States of the Institute may withdraw from it at any time by giving one year's notice; but, in that event, they shall pay the quotas due, including those for the current year, and, if they should so desire, they may be readmitted.

Organization

Art. 4. The Institute shall consist of the following organs:

(a) the General Assembly

¹ Conferences, Organizations Series, Number 14, Pan American Union, 1952. With amendments translated by D. P. Xydis from Spanish text of Final Act of the Sixth General Assembly, Conferences and Organization Series Number 48, Pan American Union 1956.

- (b) the Directing Council
- (c) Commissions and Committees
- (d) the National Sections
- (e) the General Secretariat.

Voting

Art. 5. At any meeting of an organ of the Institute that requires a formal vote for adoption of decisions, such decision shall be taken by a majority vote of the members present and voting, exclusive of abstentions, unless the Statutes specify otherwise. During the intervals between meetings of the Institute's organs, their members may be consulted, through the suitable means of communication, for the purpose of enabling the said organs to make the appropriate decisions.

The General Assembly

Art. 6. The General Assembly, as the supreme deliberative organ of the Institute, shall determine the scientific, administrative, and economic policies of the organization. It shall likewise take cognizance through the President of the Institute, the Secretary General and the Presidents of the Commissions, of the activities carried out by the other organs of the Institute since the date of the preceding Assembly, and shall formulate the programs to be executed prior to its next meeting; and during its meetings shall replace the Directing Council and assume its functions.

Art. 7. The General Assembly consists of the delegations appointed by the Member States. Each of these delegations is entitled to one vote at meetings of the Assembly. The Member States shall invite the existing scientific institutions within their respective jurisdictions to send non-voting representatives, entitled to a voice, who will attend the meetings and submit papers.

Art. 8. Decisions of the General Assembly on scientific matters shall be taken by majority vote of the delegations present at the particular session exclusive of those who abstain. Decisions of the General Assembly on economic and administrative matters shall be taken by a majority vote of all the Member States excepting decisions relating to the establishment of a maximum limit for total annual quotas which shall require approval by two thirds of the Member States for adoption.

Art. 9. The General Assembly shall meet every four years and shall decide the place of the next meeting. The date of the General Assembly shall be fixed by the Government of the country where the meeting is to be held after consultation with the President of the Institute and the Council of the Organization of American States. Special sessions of the Assembly shall be called by the President of the Institute if the majority of Member States so request.

Art. 10. The government of the country where the next meeting is to be held shall appoint in due time, a Preparatory Commission, which shall take charge of the arrangements for the said Assembly, with the co-operation of the Directing Council and the General Secretariat.

Art. 11. The draft agenda for each General Assembly shall be drawn

up by the Directing Council in accordance with the procedure set forth in paragraph 12 of Article 19 of these Statutes. This agenda shall be transmitted by the host government to the governments of the other Member States and, by the Institute, to its members and to the Council of the Organization of American States, six months in advance of the meeting, for their consideration. The preliminary agenda for each Assembly shall be transmitted to the Member States at least two months prior to the meeting.

Art. 12. No consideration shall be given to any topic that does not appear on the agenda of the General Assembly, except with the assent of two thirds of the delegations.

Art. 13. Each General Assembly shall elect its own officers. The General Assembly shall draw up its permanent Rules of Procedure, subject to modifications agreed by two thirds of the Member States as required by the special subjects of each meeting pursuant to the present Statutes.

The President and the Vice Presidents of the Institute

Art. 14. The General Assembly shall elect a President and a Vice-President and an alternate Vice-President of the Institute. The said persons shall hold office until the next meeting of the Assembly. They may not be re-elected and they shall be selected from nationals of different states. The Secretary-General shall be elected by the General Assembly in accordance with the provisions of Article 23.

The Directing Council

Art. 15. The Directing Council shall assume the functions of the Assembly during the intervals between the meetings of that body insofar as the administrative work of the Institute is concerned.

Art. 16. The Directing Council shall consist of the representatives of the governments of the Member States of the Institute, who shall preferably be the Presidents of their respective National Sections.

The President and Vice-President of the Institute shall be, respectively, Chairman and Vice-Chairman of the Directing Council, and the Chairmen of the Commissions shall be members of the Directing Council *ex officio*.

These officials shall have only the right to be heard, unless they are at the same time representatives of their governments, in which case they shall also have the right to vote.

The Secretary-General of the Institute shall act as the Secretary of the Directing Council.

Art. 17. The Directing Council shall meet annually upon convocation of its Chairman. The Chairman shall call special sessions upon the request of a third of the Member States.

The presence of the representatives of nine of the Member States shall be required to constitute a quorum, and all decisions shall be taken by a majority of the votes of the representatives taking part in the meeting.

Ordinary meetings of the Directing Council shall take place at the headquarters of the Institute or wherever the Council itself may decide.

Art. 18. The agenda for meetings of the Directing Council shall be drawn up by the Secretary-General of the Institute in consultation with the Chairmen of the Commissions of the Institute and with the National Sections.

Art. 19. The following are the functions of the Directing Council:

(1) To assure to carrying out of the resolutions and decisions of the General Assembly;

(2) To consider the periodic reports of the General Secretariat and any other reports the Council may request from them;

(3) To consider the annual reports and other communications from the Chairmen of the Commissions on their activities and those of their Committees;

(4) To approve the budget which shall be presented in accordance with Article 38, and to establish the annual quotas of the Member States;

(5) To decide regarding the execution of the annual program of scientific activities drawn up by the Commissions and coordinated by the previous meeting referred to in Article 38. In case of conflict, the Directing Council is empowered to decide which projects have priority;

(6) To appoint external auditors entrusted with the examination of the accounts of the Institute;

(7) To be informed of and, where necessary, decide upon the arrangements proposed by the Commissions or the Secretary General with private organizations, with governments and with international organizations, due account being taken of the terms of the Agreement between the Institute and the Council of the Organization of American States;

(8) To create the special Committees which it considers necessary to the success of the activities of the Institute relating to matters within the competence of more than one Commission. Such special Committees shall be composed of experts appointed by the National Sections of the Member States chosen for this purpose by the Directing Council from among those proposed by the respective Commissions.

The activities of the special Committees shall be subject to the approval of the Directing Council;

(9) To transmit to the Council of the Organization of American States an annual report on the development of the activities of the Institute, including a report on its financial situation;

(10) To consider the report prepared by the Secretary-General for the information of the General Assembly on the activities carried out by the Institute since the meeting of the preceding Assembly.

(11) To present recommendations for the consideration of the General Assembly on subjects within its competence;

(12) To prepare, after consultation with the Commissions, the draft agenda for the General Assembly which shall be sent by the Secretary-General to the governments in order that they may make observations regarding it. The draft agenda, together with any observations received, shall be brought to the knowledge of the Member States by the Secretary-General in collaboration with the Preparatory Commission as a preliminary agenda. This preliminary agenda shall be submitted for approval to the General Assembly;

(13) To approve the organization and internal regulations of the General Secretariat;

(14) To draw up its own rules of procedure in conformity with the provisions of these Statutes; and

(15) To appoint the Secretary General in cases of vacancy which occur between Assemblies.

Art. 20. The Directing Council may not authorize programs of investigation or publication concerning any scientific activity which have not previously been proposed by one of the technical Commissions of the Institute through the Secretary General.

The General Secretariat

Art. 21. A General Secretariat shall function in the city where the Institute is located, in order to assist in co-ordinating the activities of the Institute's organs, in carrying out the decisions adopted, and in the efficient functioning of the said organs.

Art. 22. A Secretary General shall direct the General Secretariat, subject to the supervision and ultimate authority of the Institute's Directing Council. The Secretary General shall reside in the country that is the seat of the Institute.

Art. 23. The Secretary General shall be elected by the General Assembly, for a term of not more than four years and may neither be re-elected nor succeeded by a person of the same nationality. He shall be a person of internationally recognized technical ability in one of the fields covered by the Institute and competent in the fields related to the duties of his office.

Art. 24. The duties of the General Secretariat are:

(1) To serve as a liaison center for the Institute's organs and its Member States;

(2) To appoint the personnel necessary for the functioning of the General Secretariat within the budgetary limits fixed by the Directing Council. Such appointments shall be distributed among nationals of the different Member States;

(3) To prepare the agenda of the Directing Council in accordance with Article 18.

(4) To submit a report to the Directing Council and to draw up any reports requested by it or stipulated in the Financial Regulations. The report shall include an annual account of the income and expenses of the Institute during the corresponding year.

(5) To transmit to the Directing Council estimates of the consolidated annual budget (Article 38), and to see that the accounts and balance of funds of the Institute and its Commissions are audited annually in accordance with Article 19 paragraph 6 of the Financial Regulations;

(6) To carry out the decisions of the General Assembly, the Directing Council and the Commissions, and, in the name of the Institute, to promote the compliance with such recommendations on the part of the Member States;

(7) To publish the papers which are not of a technical nature transmit-

ted to it for publication by the General Assembly, the Directing Council or the Commissions;

(8) To compile and transmit to the governments and the National Sections the minutes of the Directing Council and of the different Commissions that so request;

(9) To assist the respective host governments and Preparatory Commissions in organizing the meetings of the General Assembly and those of the various Commissions;

(10) To assist the secretariats of the Assemblies and Commissions in the performance of their work;

(11) To supervise the organization and work of the Library, and to ensure proper care of the Library as well as of any other technical instruments located at the seat of the Institute;

(12) To co-ordinate plans for publications in agreement with the Commissions and to collaborate with them in the distribution of such publications;

(13) To discharge all other functions assigned to it by the General Assembly and the Directing Council.

The Commissions and Their Committees

Art. 25. The Institute shall carry on its scientific work through the Commissions on Cartography, Geography, and History, and such other Commissions as may be created by a two-thirds vote of the General Assembly.

Art. 26. Each Commission shall be composed of the representatives designated by the respective Member States. Each Member State is entitled to appoint one representative and one alternate. These representatives must be persons of recognized competence in the specialized fields of the Commissions to which they are assigned; and, in so far as is possible, they shall be selected from among persons who occupy, in their own countries, posts related to such fields.

Art. 27. Each Commission shall elect its Chairman and Vice-Chairman for a term, or until the next meeting after the expiration of four years. The Chairman and Vice-Chairman may be reelected. In the event that a new Commission is set up, the General Assembly shall designate for it an Interim Chairman to act as until the new Commission has met and elected its own officers.

Art. 28. The Secretaries of Commissions shall work in close co-operation with the General Secretariat and shall inform the Secretary-General of the work of their respective Commissions. Each Commission Chairman shall appoint his own Secretary.

Art. 29. Each Commission shall appoint as many committees as may be needed for the successful conduct of its activities subject to the approval of the Directing Council at its next meeting. The Chairman, after consultation with the National Sections, shall appoint the members of the said committees, for terms that shall not exceed four years or until the next meeting of the Commission after that period. The members thus

appointed shall act as individuals and not as representatives of their Governments.

Art. 30. Each Commission shall hold a Consultation at intervals ranging from one to two years, if possible. Before convening, the Commissions shall consult with the Directing Council, which will, in so far as practicable, co-ordinate the plans for Consultations of the different Commissions in such a way that they may meet at the same time and place. Consultations shall be held by all of the Commissions simultaneously with each General Assembly, and these shall be included in the General Assembly as integral parts thereof.

Art. 31. Each Commission shall submit to the Directing Council, once a year, a report on its activities during the past year and its plans for the forthcoming period. The said report shall also include a statement of receipts and expenditures, together with the budget estimates for the following year, in conformity with the Financial Regulations adopted by the General Assembly.

Art. 32. Each Commission shall formulate its own rules of procedure in conformity with these Statutes.

The National Sections

Art. 33. It shall be the duty of the National Sections to facilitate, co-ordinate, and publicize, in their respective countries, studies on geography history, cartography and allied sciences; and also to submit for the consideration of the other organs of the Institute any matter coming under the jurisdiction of the respective organs.

Art. 34. The National Sections shall be composed of the persons appointed by the governments of the Member States, as their representatives on the respective Commissions.

Art. 35. Each National Section shall propose its Chairman to its own Government but, if the Section cannot agree, its Government shall appoint the Chairman. Each National Section shall draw up, in conformity with these Statutes, its own rules of procedure. It shall also designate the member who will act as substitute for the Chairman during the latter's temporary absences.

Art. 36. It shall likewise be the duty of the National Sections:

(1) To obtain, from their respective governments, compliance with the resolutions and recommendations of the General Assembly and the Directing Council;

(2) To advise their respective governments on geographic, historical, and cartographic matters with which the Institute is concerned; and

(3) To present annual reports of their activities to the Directing Council of the Institute.

Finances

Art. 37. The Institute shall be financed by the annual quota contributions of the Member States, to be determined annually by the Directing Council.

The total of these contributions shall not exceed the maximum sum for expenditures fixed by the General Assembly on the following basis:

Countries with populations of less than 2 million						6 units
Countries with populations ranging from	2	to	4	million		10 "
"	"	"	4	"	10	"
"	"	"	10	"	15	"
"	"	"	15	"	20	"
"	"	"	20	"	40	"
"	"	"	40	"	70	"
"	"	"	70	"	100	"
"	"	"	of more than	100	"	400 "

The Institute may accept supplementary contributions from Member States, as well as donations and bequests from individuals or institutions for objectives in harmony with the purposes of the Institute which shall be administered in special accounts.

Art. 38. The Secretary-General shall submit the budget estimates of the General Secretariat and the Commissions to the Member States and to the Council of the Organization of American States at least two months before the annual meeting of the Directing Council.

At a meeting before the annual session of the Directing Council, which shall be attended by the President of the Institute, the Chairmen of the Commissions and the Secretary-General, a draft general budget of the Institute shall be drawn up. This meeting may take place seven days before the session of the Directing Council, and its object shall be to achieve, with the co-operation of the President of the Institute, the co-ordination of the budget estimates of the Commissions, and at the same time, with the participation of the Secretary-General, the co-ordination of the budget estimates of the General Secretariat with that of the Commissions, in order that the draft general budget to be presented for the consideration of the Directing Council may be drawn up. In approving the general budget of the Institute, the Directing Council shall bear in mind that the amounts destined to the technical activities of the Commissions should be considerably higher in proportion than those destined for the administrative maintenance of the Institute.

Art. 39. The funds of the Institute shall be deposited to its account at banks in the cities where it, its Commissions and Committees are located.

Art. 40. At its last meeting before each ordinary General Assembly, the Directing Council shall present to the Member States a recommendation concerning the maximum limit of the total annual quotas for the interval between the next two Assemblies.

On the basis of this recommendation, the Assembly shall fix the maximum limit of the total annual quotas to remain in force until the next meeting of the General Assembly.

Art. 41. In the event that one or several governments request the Institute to undertake a special study or project, the said study or project shall be financed by the interested government or governments.

Amendment of the Statutes

Art. 42. These Statutes may be revised or amended by the General

Assembly, with the approval of two thirds of the Member States. Proposals for amendment thereof must be transmitted by the Institute to the governments of the Member States, at least four months prior to the convening of the Assembly.

Official Text

Art. 43. These Statutes shall be issued in the four official languages of the Institute: Spanish, English, Portuguese, and French. In case of doubt the Spanish text shall govern the interpretation.

Interim Provision

Transitional Article. In view of the short time between the approval of the amendments and the closing session of the Assembly, the General Assembly which should appoint the Secretary General of the Institute in accordance with Articles 14 and 23 of these Statutes, on this occasion delegates this power to the Directing Council of the Institute in order that the latter may undertake this task at its first meeting.

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PAN AMERICAN UNION

See Organization of American States

PERMANENT COMMISSION FOR THE NORTHEAST ATLANTIC FISHERIES

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This Commission was established by a Convention for the regulation of the meshes of fishing nets and the size limits of fish, drawn up on April 5, 1946, in London, following the International Conference on Overfishing held in that city in the preceding March. It came into effect on April 5, 1953 (except for Articles 5, 8 and 9 which came into effect on April 5, 1954) following ratification by all signatory governments.¹ The Convention was amended in November 1958.

The Convention may be denounced with three months notice three years after coming into effect ²

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Convention applies to the Atlantic and Arctic Oceans and their dependent seas north of 48 degrees north latitude and between 42 degrees west longitude and 32 degrees east longitude with certain exceptions.³ It lays down the size and type of fish net meshes and the sizes of fish allowed to be caught.⁴

ORGANS

The organ is the Permanent Commission composed of one or two delegates of contracting governments, each government having one vote, and meeting at least once every three years.⁵

There is a secretariat located at the Ministry of Agriculture, Fisheries and Food in London.

¹ Convention, Art. 4.

⁴ Id., Art. 5-9.

² Id., Art. 18.

⁵ Id., Art. 12.

³ Id., Art. 1.

MEMBERS

The members are Belgium, Denmark, France, Germany, Iceland, Ireland, Netherlands, Norway, Poland, Portugal, Spain, Sweden, USSR and United Kingdom.

MEANS OF FINANCIAL SUPPORT

There is no provision for financial support. Secretariat expenses are provided by the United Kingdom Ministry of Agriculture, Fisheries and Food.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

There is specific provision ¹ for co-operation and a liaison committee exists to correlate work with the International Council for the Exploration of the Sea.

HEADQUARTERS

The Secretariat is located at the Ministry of Agriculture, Fisheries and Food, 10 Whitehall Place, London.

¹ Id., Art. 12.

CONVENTION FOR THE REGULATION OF THE MESHES OF FISHING NETS AND THE SIZE LIMITS OF FISH¹

London, April 5, 1946, as amended to 1958

PREAMBLE

The Governments of Belgium, Denmark, France, Iceland, Ireland, the Netherlands, Norway, Poland, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, desiring to conclude a Convention for the Regulation of the Meshes of Fishing Nets and the Size Limits of Fish, have agreed as follows:

PART I. EXTENT OF THE CONVENTION

Art. 1. The area to which this Convention applies shall be all waters which are situated within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 48 degrees north latitude and between 42 degrees west longitude and 32 degrees east longitude, but excluding the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Griben Point, from Korshage to Spodsbierg and from Gilbjerg Head to the Kullen.

Art. 2. Nothing in the present Convention shall be deemed to diminish the exclusive rights of vessels registered or owned in the territory of each Contracting Government to fish in waters where that Contracting Government has exclusive jurisdiction over fisheries.

Art. 3. Nothing in this Convention shall be deemed to prejudice the claims of any Contracting Government in regard to the limits of territorial waters.

PART. II. REGULATION OF THE MESHES OF FISHING NETS AND THE SIZE LIMITS OF FISH

Art. 4. Subject to the provisions of Articles 8, 10 and 16 (2), the provisions of this Convention shall apply to all vessels of any Contracting Government either when they are operating in the waters where that Contracting Government has exclusive jurisdiction over fisheries, or when they are operating outside such waters.

Art. 5. No vessel shall carry on board or use any trawl, seine, or other net towed or hauled at or near the bottom of the sea, which has in any part of the net meshes of less dimensions than those specified in Annex I to this Convention: provided that a trawl net made of single twine and containing no manila or sisal in any part may be carried on board or used by a vessel, notwithstanding that such a net has a minimum size of mesh 5 mm. less than the dimensions specified in Annex I to this Convention.

¹ HMSO Cmnd 731, supplied by Secretariat.

Art. 6. Notwithstanding the provisions of Article 5, vessels fishing for mackerel, clupeoid fishes, sand eels (*Ammodytes*), smelts, eels, great weever (*Trachinus draco*), shrimps, prawns, nephrops or molluscs, may carry on board and use nets having meshes of dimensions less than those so specified: provided that (a) any fishing instruments used by such vessels for the capture of any of the fish described in this Article shall not be used for the purpose of capturing other kinds of fish; and (b) any fish in excess of the percentages set out in Annex III to this Convention, of the species set out in Annex II to this Convention, which may be captured by such instruments and which are of less than the minimum sizes prescribed in Annex II to this Convention shall be returned to the sea immediately after capture.

Art. 7. (1) No vessel while operating shall use any device by means of which the mesh in any part of a fishing net to which Article 5 of this Convention applies is obstructed or otherwise in effect diminished.

(2) Notwithstanding the provisions of the foregoing paragraph it shall not be deemed unlawful:

(i) to attach to the underside of the cod-end of a trawl net any canvas, netting, or other material, for the purpose of preventing or reducing wear or tear; and as from 1st January, 1959, and until 5th April, 1961, and only for trawl nets with a mesh of 110 mm or more (or, in the case of trawl nets made of single twine and containing no manila or sisal in any part, with a mesh of 105 mm or more):

(ii) to attach a rectangular piece of netting to the upper side of the cod-end of a trawl net to reduce and prevent damage so long as such netting conforms to the following conditions:

(a) this netting shall not have a mesh size less than that specified for the net itself;

(b) the netting may be fastened to the cod-end only along the forward and lateral edges of the netting and at no other place in it, and shall be fastened in such a manner that it extends forward of the splitting stop no more than four meshes and ends not less than four meshes in front of the cod-line mesh; where a splitting stop is not used the netting shall not extend to more than one-third of the cod-end measured from not less than four meshes in front of the cod-line mesh;

(c) the number of meshes in the width of the netting shall be at least one and a half times the number of meshes in the width of that part of the cod-end which is covered, both widths being taken at right angles to the long axis of the cod-end.

Art. 8. Subject to the provisions of Annex III to this Convention, no vessel shall retain on board any sea fish of the descriptions set out in Annex II to this Convention, of a less size than the size prescribed therein for each fish, and all such fish shall be returned immediately to the sea; provided that they may be retained on board for the purpose of transplantation to other fishing grounds.

Art. 9. Subject to the provisions of Annex III to this Convention, each Contracting Government undertakes to prohibit by regulations the landing, sale, exposure or offer for sale, in its territories of any sea fish of the descriptions set out in Annex II to this Convention which are of a less size than the size prescribed therein for each fish and have been caught in the waters defined in Article 1 of this Convention, whether such fish are whole or have had their heads or any other part removed.

Art. 10. The provisions of this Convention shall not apply to fishing operations conducted for the purposes of scientific investigation, or to fish taken in the course of such operations, but fish so taken shall not be sold, or exposed or offered for sale in contravention of the provisions of Article 9.

Art. 11. The Contracting Governments agree to take, in their territories and in regard to their vessels, to which this Convention applies, appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions of the said provisions.

PART III. CONSTITUTION OF PERMANENT COMMISSION

Art. 12. (1) The Contracting Governments undertake to set up a permanent Commission to which each of them shall appoint one or if they so desire two delegates.

(2) The Commission shall elect its own President either from among the delegates or from independent nominees. If a delegate has been elected President he shall forthwith cease to be the delegate of his Government and that Government shall have the right to appoint another person to serve as its delegate.

(3) The Commission shall draw up its own rules of procedure including provisions for the term of office of the President and the election of subsequent Presidents and such rules may be altered or amended from time to time by a majority of the delegates of Contracting Governments who are present and vote. Only in the case of an even division of votes on any such matter shall the President have a casting vote and it shall be decisive.

(4) For the purpose of voting on all matters within the scope of this article each Contracting Government shall possess one vote, whether it has appointed one delegate or two, but the vote may be exercised by either delegate.

(5) It shall be the duty of this Commission to consider whether the provisions of this Convention should be extended or altered. For this purpose the Commission shall where practicable consult the International Council for the Exploration of the Sea.

(6) The Government of the United Kingdom of Great Britain and Northern Ireland undertakes to call the first meeting of this Commission in the United Kingdom within two years from the coming into force of this Convention, and to call subsequent meetings at the request of the President at such time and in such places as the Commission shall decide.

(7) There shall be a meeting of the Commission not less than once in every three years.

(8) The Government of the United Kingdom of Great Britain and Northern Ireland undertakes to communicate the agenda for the first meeting to all other Contracting Governments not less than one month before the date of the meeting.

(9) Reports of the proceedings of the Commission shall be transmitted by the President of the Commission to the Government of the United Kingdom of Great Britain and Northern Ireland, which shall in turn

communicate them to all the Governments which have ratified or acceded to this Convention.

(10) The Contracting Governments undertake to give effect to any recommendation of the Commission for the extension or alteration of this Convention which has been carried unanimously at a meeting of the Commission and accepted by all Contracting Governments not represented at the meeting.

Art. 13. (1) For the purposes of this Convention the expression "vessel" means

(a) any vessel or boat employed in fishing for sea fish or in the treatment of sea fish; or

(b) any vessel or boat used partly or wholly for the purpose of the transport of sea fish

registered or owned in the territories of any Contracting Government.

(2) The expression "territories" denotes in relation to any Contracting Government

(a) its metropolitan territory;

(b) any territory in respect of which action has been taken by the Contracting Government under Article 16; and

(c) the waters where the Contracting Government has exclusive jurisdiction over fisheries.

Art. 14. This Convention shall be ratified as soon as possible and shall come into force two months after the deposit of instruments of ratification by all the Governments which have signed the Convention, or upon such earlier date as may be agreed between any Governments which may ratify or accede to it under Article 15 in respect of those Governments.

Art. 15. (1) Any Government (other than the Government of a territory to which Article 16 applies) which has not signed this Convention may accede thereto at any time after it has come into force in accordance with Article 14. Accession shall be effected by means of a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, and shall take effect immediately after the date of its receipt.

(2) The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Convention of all accessions received and the date of their receipt.

PART IV. GENERAL

Art. 16. (1) A Contracting Government may, at the time of signature, ratification, accession or thereafter, by a declaration in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, declare its desire that the present Convention shall apply to all or any of its colonies, overseas territories, protectorates or territories under mandate or trusteeship, and this Convention shall apply to all the territories named in such declaration, and to vessels registered or owned therein three months after the receipt of the declaration by the Government of the United Kingdom.

(2) In the absence of such declaration, the Convention shall not apply to any such territory.

(3) A Contracting Government may at any time, by a notification in writing addressed to the Government of the United Kingdom, express its desire that the present Convention shall cease to apply to all or any of its colonies, overseas territories, protectorates or territories under mandate or trusteeship, to which the present Convention shall have been made applicable under the provisions of paragraph (1) of this article, and the Convention shall cease to apply to the territories named in the notification and to vessels registered or owned therein three months after the receipt of the notification by the Government of the United Kingdom.

(4) The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Convention of any declaration or notification received under paragraphs (1) and (3) of this article, stating in each case the date from which the present Convention has become or will cease to be applicable to the territory or territories specified in the declaration or notification, as the case may be.

Art. 17. As from the date of the coming into force of this Convention, the provisions of the International Convention for the Regulation of the Meshes of Fishing Nets and the Size Limits of Fish, signed in London on the 23rd March, 1937, shall, as far as they have been or are applied by any Contracting Government which was a party to that Convention, be replaced by the provisions of this Convention.

Art. 18. After the expiration of three years from the date of its coming into force in accordance with Article 14, this Convention may be denounced by means of a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland. The denunciation shall take effect in respect of the Government by which it is made three months after the date of its receipt, and will be notified to the Contracting Governments by the Government of the United Kingdom.

In witness whereof the undersigned, duly authorized thereto, have signed the present Convention.

Done in London the 5th day of April, 1946, in a single copy in the English language. A French text of the Convention shall be prepared and after approval by all the signatory Governments shall be regarded as being of equal validity to the English text. Both texts of the Convention shall thereupon be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland.

Certified copies of the Convention shall be communicated to the signatory and acceding Governments.

ANNEX I

(1) In all waters covered by the Convention, as defined in Article 1 and Article 4, except as provided in paragraph (2) below, the minimum size of mesh for nets referred to in Article 5 shall be such that when the mesh is stretched diagonally lengthwise of the net a flat gauge 80 mm broad and 2 mm thick shall pass through it easily when the net is wet; except that during the period from the 5th day of April, 1954, to the 4th day of April,

1961,¹ a minimum mesh of 75 mm shall be permitted; and except that, in the case of seine nets, the minimum size of mesh shall be such that when the mesh is stretched diagonally lengthwise of the net a flat gauge 70mm broad and 2 mm thick shall pass through it easily when the net is wet.

(2) In the waters situated north of 66 degrees north latitude and east of the meridian of Greenwich and in Icelandic waters between the parallels of 68 degrees and 62 degrees north latitude and between the meridians of 28 degrees and 10 degrees west longitude, the minimum size of mesh for nets referred to in Article 5 shall be such that when the mesh is stretched diagonally lengthwise of the net a flat gauge 110 mm broad and 2 mm thick shall pass through it easily when the net is wet; except that, in the case of seine nets, the minimum size of mesh shall be such that when the mesh is stretched diagonally lengthwise of the net a flat gauge 100 mm broad and 2 mm thick shall pass through it easily when the net is wet.

ANNEX II

The fish to which Articles 6, 8 and 9 of this Convention apply and the sizes below which such fish may not be retained on board, landed, or sold and exposed or offered for sale are as follows:

<i>Fish</i>	<i>Size limit for whole Fish measured from tip of snout to extreme end of tail fin Cm.</i>
Cod (<i>Gadus callarias</i>)	30
Haddock (<i>Gadus aeglefinus</i>)	27
Hake (<i>Merluccius merluccius</i>)	30
Plaice (<i>Pleuronectes platessa</i>)	25
Witches (<i>Glyptocephalus cynoglossus</i>)	28
Lemon soles (<i>Microstomus kitt</i>)	25
Soles (<i>Solea solea</i>)	24
Turbot (<i>Scophthalmus maximus</i>)	30
Brill (<i>Scophthalmus rhombus</i>)	30
Megrims (<i>Lepidorhombus whiff</i>)	25
Whittings (<i>Gadus merlangus</i>)	20
Dabs (<i>Pleuronectes limanda</i>)	20

ANNEX III

In the fisheries set out in Article 6 of this Convention, 10 per cent by weight of each total landing or part thereof which is not intended for human consumption in the form of fish, may consist of undersized fish of the species set out in Annex II to this Convention.

¹ At the Sixth Meeting of the Permanent Commission held in London from October 22-25, 1957, it was unanimously decided that for a further period of three years ending on April 4, 1961, the minimum mesh of 75 mm for trawl nets be retained.

PERMANENT COURT OF ARBITRATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Permanent Court of Arbitration was established on July 29, 1899 by the Convention for the Pacific Settlement of International Disputes. The Convention was revised on October 18, 1907. The revised Convention provides that: "With the object of facilitating an immediate recourse to arbitration for international differences which it has not been possible to settle by diplomacy, the Contracting Powers undertake to maintain the Permanent Court of Arbitration, as established by the First Peace Conference, accessible at all times, and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present convention." ¹

The Convention provides that it may be denounced by a Contracting Party by means of notification in writing to the Netherlands Government and that "the denunciation shall have effect only in regard to the notifying power, and one year after the notification has reached the Netherlands Government." ²

FUNCTIONS AND POWERS OF THE ORGANIZATION

The object of this Organization is to obtain "the settlement of disputes between States by Judges of their own choice and on the basis of respect for law".³ There are extensive provisions in the Constitution regarding "arbitral procedure".⁴ The Court nominates candidates for the International Court of Justice.⁴

ORGANS

The organs are:

(1) The Permanent Court, composed of four qualified persons nominated by each party to either the Convention of 1899 or of 1907.⁵

¹ Convention, Art. 41. ² Id., Art. 96. ³ Id., Art. 37. ⁴ Id., Arts. 51-90.

⁴ See Art. 4 of the statute of the International Court of Justice, p. 1126.

⁵ Id., Art. 44.

(2) The Permanent Administrative Council composed of diplomatic representatives of the Contracting Powers accredited to The Hague, and of the Netherlands Minister of Foreign Affairs.¹

(3) The International Bureau, which is the Registry of the Court.²

MEMBERSHIP

The members are Argentina, Austria, Belgium, Bolivia, Brazil, Bulgaria, Cambodia, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, India, Iran, Iraq, Italy, Japan, Luxembourg, Mexico, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Roumania, Spain, Sweden, Switzerland, Thailand, Turkey, United Kingdom, U.S.S.R. United States, Uruguay, Venezuela, Yugoslavia.

MEANS OF FINANCIAL SUPPORT

The "expense of the Bureau" is borne by the member governments in the proportions established for the Universal Postal Union.³

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The National groups in this Court nominate members for the posts of Judges of the International Court of Justice. Elections from among such nominees are made by the General Assembly of the United Nations.⁴

HEADQUARTERS

Its headquarters are at the Peace Palace, The Hague.

¹ *Id.*, Art. 49.

² *Id.*, Art. 43.

³ *Id.*, Art. 50.

⁴ Art. 4 of the Statute of the International Court of Justice.

CONVENTION¹

FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

October 18, 1907

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxembourg, Duke of Nassau; the President of the United Mexican States; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Serbia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Animated by the sincere desire to work for the maintenance of general peace;

Resolved to promote by all the efforts in their power the friendly settlement of international disputes;

Recognizing the solidarity uniting the members of the society of civilized nations;

Desirous of extending the empire of law and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a tribunal of arbitration

¹ U.S. Treaty Series No. 536.

accessible to all, in the midst of independent powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of the procedure of arbitration;

Sharing the opinion of the august initiator of the International Peace Conference that it is expedient to record in an international agreement the principles of equity and right on which are based the security of states and the welfare of peoples;

Being desirous, with this object, of insuring the better working in practice of commissions of inquiry and tribunals of arbitration, and of facilitating recourse to arbitration in cases which allow of a summary procedure;

Have deemed it necessary to revise in certain particulars and to complete the work of the First Peace Conference for the pacific settlement of international disputes;;

The High Contracting Parties have resolved to conclude a new convention for this purpose, and have appointed the following as their plenipotentiaries: (*naming them*)

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:

PART I THE MAINTENANCE OF GENERAL PEACE

Art. 1. With a view to obviating as far as possible recourse to force in the relations between states, the Contracting Powers agree to use their best efforts to insure the pacific settlement of international differences.

PART II GOOD OFFICES AND MEDIATION

Art. 2. In case of serious disagreement or dispute, before an appeal to arms, the Contracting Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers.

Art. 3. Independently of this recourse, the Contracting Powers deem it expedient and desirable that one or more powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the states at variance.

Powers strangers to the dispute have the right to offer good offices or mediation even during the course of hostilities.

The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act.

Art. 4. The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the states at variance.

Art. 5. The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

Art. 6. Good offices and mediation undertaken either at the request of the parties in dispute or on the initiative of powers strangers to the dispute have exclusively the character of advice, and never have binding force.

Art. 7. The acceptance of mediation cannot, unless there be an agree-

ment to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If it takes place after the commencement of hostilities, the military operations in progress are not interrupted in the absence of an agreement to the contrary.

Art. 8. The Contracting Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

In case of a serious difference endangering peace, the states at variance choose respectively a power, to which they intrust the mission of entering into direct communication with the power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the states in dispute cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating powers, which must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these powers are charged with the joint task of taking advantage of any opportunity to restore peace.

PART III INTERNATIONAL COMMISSIONS OF INQUIRY

Art. 9. In disputes of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the Contracting Powers deem it expedient and desirable that the parties who have not been able to come to an agreement by means of diplomacy should, as far as circumstances allow, institute an international commission of inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

Art. 10. International commissions of inquiry are constituted by special agreement between the parties in dispute.

The inquiry convention defines the facts to be examined; it determines the mode and time in which the commission is to be formed and the extent of the powers of the commissioners.

It also determines, if there is need, where the commission is to sit, and whether it may remove to another place, the language the commission shall use and the languages the use of which shall be authorized before it, as well as the date on which each party must deposit its statement of facts, and, generally speaking, all the conditions upon which the parties have agreed.

If the parties consider it necessary to appoint assessors, the convention of inquiry shall determine the mode of their selection and the extent of their powers.

Art. 11. If the inquiry convention has not determined where the commission is to sit, it will sit at The Hague.

The place of meeting, once fixed, cannot be altered by the commission except with the assent of the parties.

If the inquiry convention has not determined what languages are to be employed, the question shall be decided by the commission.

Art. 12. Unless an undertaking is made to the contrary, commissions of inquiry shall be formed in the manner determined by articles 45 and 57 of the present convention.

Art. 13. Should one of the commissioners or one of the assessors, should there be any, either die, or resign, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

Art. 14. The parties are entitled to appoint special agents to attend the commission of inquiry, whose duty it is to represent them and to act as intermediaries between them and the commission.

They are further authorized to engage counsel or advocates, appointed by themselves, to state their case and uphold their interests before the commission.

Art. 15. The International Bureau of the Permanent Court of Arbitration acts as registry for the commissions which sit at The Hague, and shall place its offices and staff at the disposal of the Contracting Powers for the use of the commission of inquiry.

Art. 16. If the commission meets elsewhere than at The Hague, it appoints a secretary general, whose office serves as registry.

It is the function of the registry, under the control of the president, to make the necessary arrangements for the sittings of the commission, the preparation of the minutes, and, while the inquiry lasts, for the charge of the archives, which shall subsequently be transferred to the International Bureau at The Hague.

Art. 17. In order to facilitate the constitution and working of commissions of inquiry, the Contracting Powers recommend the following rules, which shall be applicable to the inquiry procedure in so far as the parties do not adopt other rules.

Art. 18. The commission shall settle the details of the procedure not covered by the special inquiry convention or the present convention, and shall arrange all the formalities required for dealing with the evidence.

Art. 19. On the inquiry both sides must be heard.

At the dates fixed, each party communicates to the commission and to the other party the statements of facts, if any, and, in all cases, the instruments, papers, and documents which it considers useful for ascertaining the truth, as well as the list of witnesses and experts whose evidence it wishes to be heard.

Art. 20. The commission is entitled, with the assent of the parties, to move temporarily to any place where it considers it may be useful to have recourse to this means of inquiry or to send one or more of its members. Permission must be obtained from the state on whose territory it is proposed to hold the inquiry.

Art. 21. Every investigation, and every examination of a locality, must be made in the presence of the agents and counsel of the parties or after they have been duly summoned.

Art. 22. The commission is entitled to ask either party for such explanations and information as it considers necessary.

Art. 23. The parties undertake to supply the commission of inquiry, as

fully as they may think possible, with all means and facilities necessary to enable it to become completely acquainted with, and to accurately understand, the facts in question.

They undertake to make use of the means at their disposal, under their municipal law, to insure the appearance of the witnesses or experts who are in their territory and have been summoned before the commission.

If the witnesses or experts are unable to appear before the commission, the parties will arrange for their evidence to be taken before the qualified officials of their own country.

Art. 24. For all notices to be served by the commission in the territory of a third Contracting Power, the commission shall apply direct to the Government of the said power. The same rule applies in the case of steps being taken on the spot to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the power applied to under its municipal law allow. They cannot be rejected unless the power in question considers they are calculated to impair its sovereign rights or its safety.

The commission will equally be always entitled to act through the power on whose territory it sits.

Art. 25. The witnesses and experts are summoned on the request of the parties or by the commission of its own motion, and, in every case, through the Government of the state in whose territory they are.

The witnesses are heard in succession and separately, in the presence of the agents and counsel, and in the order fixed by the commission.

Art. 26. The examination of witnesses is conducted by the president.

The members of the commission may, however, put to each witness questions which they consider likely to throw light on and complete his evidence, or get information on any point concerning the witness within the limits of what is necessary in order to get at the truth.

The agents and counsel of the parties may not interrupt the witness when he is making his statement, nor put any direct question to him, but they may ask the president to put such additional questions to the witness as they think expedient.

Art. 27. The witness must give his evidence without being allowed to read any written draft. He may, however, be permitted by the president to consult notes or documents if the nature of the facts referred to necessitates their employment.

Art. 28. A minute of the evidence of the witness is drawn up forthwith and read to the witness. The latter may make such alterations and additions as he thinks necessary, which will be recorded at the end of his statement.

When the whole of his statement has been read to the witness, he is asked to sign it.

When the whole of his statement has been read to the witness, he is asked to sign it.

Art. 29. The agents are authorized, in the course of or at the close of the inquiry, to present in writing to the commission and to the other party such statements, requisitions, or summaries of the facts as they consider useful for ascertaining the truth.

Art. 30. The commission considers its decisions in private and the proceedings are secret.

All questions are decided by a majority of the members of the commission.

If a member declines to vote, the fact must be recorded in the minutes.

Art. 31. The sittings of the commission are not public, nor the minutes and documents connected with the inquiry published except in virtue of a decision of the commission taken with the consent of the parties.

Art. 32. After the parties have presented all the explanations and evidence, and the witnesses have all been heard, the president declares the inquiry terminated, and the commission adjourns to deliberate and to draw up its report.

Art. 33. The report is signed by all the members of the commission.

If one of the members refuses to sign, the fact is mentioned; but the validity of the report is not affected.

Art. 34. The report of the commission is read at a public sitting, the agents and counsel of the parties being present or duly summoned.

A copy of the report is given to each party.

Art. 35. The report of the commission is limited to a statement of facts, and has in no way the character of an award. It leaves to the parties entire freedom as to the effect to be given to the statement.

Art. 36. Each party pays its own expenses and an equal share of the expenses incurred by the commission.

PART IV INTERNATIONAL ARBITRATION

CHAPTER I – *The system of arbitration*

Art. 37. International arbitration has for its object the settlement of disputes between states by judges of their own choice and on the basis of respect for law.

Recourse to arbitration implies an engagement to submit in good faith to the award.

Art. 38. In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the Contracting Powers as the most effective and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle.

Consequently, it would be desirable that, in disputes about the above-mentioned questions, the Contracting Powers should, if the case arose, have recourse to arbitration, in so far as circumstances permit.

Art. 39. The arbitration convention is concluded for disputes already existing and for disputes which may arise in the future.

It may embrace any dispute or only disputes of a certain category.

Art. 40. Independently of general or private treaties expressly stipulating recourse to arbitration as obligatory on the Contracting Powers the said powers reserve to themselves the right of concluding new agreements, general or particular, with a view to extending compulsory arbitration to all cases which they may consider it possible to submit to it.

CHAPTER II — *The Permanent Court of Arbitration*

Art. 41. With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Contracting Powers undertake to maintain the Permanent Court of Arbitration, as established by the First Peace Conference, accessible at all times, and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present convention.

Art. 42. The Permanent Court is competent for all arbitration cases, unless the parties agree to institute a special tribunal.

Art. 43. The Permanent Court sits at The Hague.

An International Bureau serves as registry for the Court. It is the channel for communications relative to the meetings of the Court; it has charge of the archives and conducts all the administrative business.

The Contracting Powers undertake to communicate to the Bureau, as soon as possible, a certified copy of any conditions of arbitration arrived at between them and of any award concerning them delivered by a special tribunal.

They likewise undertake to communicate to the Bureau the laws, regulations, and documents eventually showing the execution of the awards given by the Court.

Art. 44. Each Contracting Power selects four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrator.

The persons thus selected are inscribed, as members of the Court, in a list which shall be notified to all the Contracting Powers by the Bureau.

Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the Contracting Powers.

Two or more powers may agree on the selection in common of one or more members.

The same person can be selected by different powers. The members of the Court are appointed for a term of six years. These appointments are renewable.

Should a member of the Court die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. In this case the appointment is made for a fresh period of six years.

Art. 45. When the Contracting Powers wish to have recourse to the Permanent Court for the settlement of a difference which has arisen between them, the arbitrators called upon to form the tribunal with jurisdiction to decide this difference must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the arbitration tribunal, the following course shall be pursued:

Each party appoints two arbitrators, of whom one only can be its national or chosen from among the persons selected by it as members of the Permanent Court. These arbitrators together choose an umpire.

If the votes are equally divided, the choice of the umpire is entrusted to a third power, selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party selects a different power, and the choice of the umpire is made in concert by the powers thus selected.

If, within two months' time, these two powers cannot come to an agreement, each of them presents two candidates taken from the list of members of the Permanent Court, exclusive of the members selected by the parties and not being nationals of either of them. Drawing lots determines which of the candidates thus presented shall be umpire.

Art. 46. The tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court, the text of their *compromis*, and the names of the arbitrators.

The Bureau communicates without delay to each arbitrator the *compromis*, and the names of the other members of the tribunal.

The tribunal assembles at the date fixed by the parties. The Bureau makes the necessary arrangements for the meeting.

The members of the tribunal, in the exercise of their duties and out of their own country, enjoy diplomatic privileges and immunities.

Art. 47. The Bureau is authorized to place its offices and staff at the disposal of the Contracting Powers for the use of any special board of arbitration.

The jurisdiction of the Permanent Court may, within the conditions laid down in the regulations, be extended to disputes between noncontracting powers or between contracting powers and non-contracting powers, if the parties are agreed on recourse to this tribunal.

Art. 48. The Contracting Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the parties at variance of the provisions of the present convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

In case of dispute between two powers, one of them can always address to the International Bureau a note containing a declaration that it would be ready to submit the dispute to arbitration.

The Bureau must at once inform the other power of the declaration.

Art. 49. The Permanent Administrative Council, composed of the diplomatic representatives of the Contracting Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as President, is charged with the direction and control of the International Bureau.

The Council settles its rules of procedure and all other necessary regulations.

It decides all questions of administration which may arise with regard to the operations of the Court.

It has entire control over the appointment, suspension, or dismissal of the officials and employees of the Bureau.

It fixes the compensation and salaries, and controls the general expenditure.

At meetings duly summoned, the presence of nine members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Contracting Powers without delay the regulations adopted by it. It furnishes them with an annual report on the labors of the Court, the working of the administration, and the expenditure. The report likewise contains a *résumé* of what is important in the documents communicated to the Bureau by the powers in virtue of article 43, paragraphs 3 and 4.

Art. 50. The expenses of the Bureau shall be borne by the Contracting Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

The expenses to be charged to the adhering powers shall be reckoned from the date on which their adhesion comes into force.

CHAPTER III – *Arbitration procedure*

Art. 51. With a view to encouraging the development of arbitration, the Contracting Powers have agreed on the following rules, which are applicable to arbitration procedure, unless other rules have been agreed on by the parties.

Art. 52. The powers which have recourse to arbitration sign a *compromis*, in which the subject of the dispute is clearly defined, the time allowed for appointing arbitrators, the form, order, and time in which the communication referred to in article 63 must be made, and the amount of the sum which each party must deposit in advance to defray the expenses.

The *compromis* likewise defines, if there is occasion, the manner of appointing arbitrators, any special powers which may eventually belong to the tribunal, where it shall meet, the language it shall use, and the languages the employment of which shall be authorized before it, and, generally speaking, all the conditions on which the parties are agreed.

Art. 53. The Permanent Court is competent to settle the *compromis*, if the parties are agreed to have recourse to it for the purpose.

It is similarly competent, even if the request is made by only one of the parties, when all attempts to reach an understanding through the diplomatic channel have failed, in the case of:

1. A dispute covered by a general treaty of arbitration concluded or renewed after the present convention has come into force, and providing for a *compromis* in all disputes and not either explicitly or implicitly excluding the settlement of the *compromis* from the competence of the Court. Recourse cannot, however, be had to the Court if the other party declares that in its opinion the dispute does not belong to the category of disputes which can be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the arbitration tribunal the power of deciding this preliminary question.

2. A dispute arising from contract debts claimed from one power by another power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable

if acceptance is subject to the condition that the *compromis* should be settled in some other way.

Art. 54. In the cases contemplated in the preceding article, the *compromis* shall be settled by a commission consisting of five members selected in the manner arranged for in article 45, paragraphs 3 to 6.

The fifth member is president of the commission *ex officio*.

Art. 55. The duties of arbitrator may be conferred on one arbitrator alone or on several arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present convention.

Failing the constitution of the tribunal by direct agreement between the parties, the course referred to in article 45, paragraphs 3 to 6, is followed.

Art. 56. When a sovereign or the chief of a state is chosen as arbitrator, the arbitration procedure is settled by him.

Art. 57. The umpire is president of the tribunal *ex officio*.

When the tribunal does not include an umpire, it appoints its own president.

Art. 58. When the *compromis* is settled by a commission, as contemplated in article 54, and in the absence of an agreement to the contrary, the commission itself shall form the arbitration tribunal.

Art. 59. Should one of the arbitrators either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

Art. 60. The tribunal sits at The Hague, unless some other place is selected by the parties.

The tribunal can sit in the territory of a third power only with the latter's consent.

The place of meeting once fixed cannot be altered by the tribunal, except with the consent of the parties.

Art. 61. If the question as to what languages are to be used has not been settled by the *compromis*, it shall be decided by the tribunal.

Art. 62. The parties are entitled to appoint special agents to attend the tribunal to act as intermediaries between themselves and the tribunal.

They are further authorized to retain for the defense of their rights and interests before the tribunal, counsel or advocates appointed by themselves for this purpose.

The members of the Permanent Court may not act as agents, counsel, or advocates except on behalf of the power which appointed them members of the Court.

Art. 63. As a general rule, arbitration procedure comprises two distinct phases: pleadings and oral discussions.

The pleadings consist in the communication by the respective agents to the members of the tribunal and the opposite party of cases, countercases, and, if necessary, of replies; the parties annex thereto all papers and documents called for in the case. This communication shall be made either directly or through the intermediary of the International Bureau, in the order and within the time fixed by the *compromis*.

The time fixed by the *compromis* may be extended by mutual agreement

by the parties, or by the tribunal when the latter considers it necessary for the purpose of reaching a just decision.

The discussions consist in the oral development before the tribunal of the arguments of the parties.

Art. 64. A certified copy of every document produced by one party must be communicated to the other party.

Art. 65. Unless special circumstances arise, the tribunal does not meet until the pleadings are closed.

Art. 66. The discussions are under the control of the president.

They are public only if it be so decided by the tribunal, with the assent of the parties.

They are recorded in minutes drawn up by the secretaries appointed by the president. These minutes are signed by the president and by one of the secretaries and alone have an authentic character.

Art. 67. After the close of the pleadings, the tribunal is entitled to refuse discussion of all new papers or documents which one of the parties may wish to submit to it without the consent of the other party.

Art. 68. The tribunal is free to take into consideration new papers or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the tribunal has the right to require the production of these papers or documents, but is obliged to make them known to the opposite party.

Art. 69. The tribunal can, besides, require from the agents of the parties the production of all papers, and can demand all necessary explanations. In case of refusal the tribunal takes note of it.

Art. 70. The agents and the counsel of the parties are authorized to present orally to the tribunal all the arguments they may consider expedient in defense of their case.

Art. 71. They are entitled to raise objections and points. The decision of the tribunal on these points are final and cannot form the subject of any subsequent discussion.

Art. 72. The members of the tribunal are entitled to put questions to the agents and counsel of the parties, and to ask them for explanations on doubtful points.

Neither the questions put, nor the remarks made by members of the tribunal in the course of the discussions, can be regarded as an expression of opinion by the tribunal in general or by its members in particular.

Art. 73. The tribunal is authorized to declare its competence in interpreting the *compromis*, as well as the other papers and documents which may be invoked, and in applying the principles of law.

Art. 74. The tribunal is entitled to issue rules of procedure for the conduct of the case, to decide the forms, order, and time in which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

Art. 75. The parties undertake to supply the tribunal, as fully as they consider possible, with all the information required for deciding the case.

Art. 76. For all notices which the tribunal has to serve in the territory

of a third Contracting Power, the tribunal shall apply direct to the Government of that power. The same rule applies in the case of steps being taken to procure evidence on the spot.

The requests for this purpose to be executed as far as the means at the disposal of the power applied to under its municipal law allow. They cannot be rejected unless the power in question considers them calculated to impair its own sovereign rights or its safety.

The Court will equally be always entitled to act through the power on whose territory it sits.

Art. 77. When the agents and counsel of the parties have submitted all the explanations and evidence in support of their case, the president shall declare the discussion closed.

Art. 78. The tribunal considers its decisions in private and the proceedings remain secret.

All questions are decided by a majority of the members of the tribunal.

Art. 79. The award must give the reasons on which it is based. It contains the names of the arbitrators; it is signed by the president and registrar or by the secretary acting as registrar.

Art. 80. The award is read out in public sitting, the agents and counsel of the parties being present or duly summoned to attend.

Art. 81. The award, duly pronounced and notified to the agents of the parties, settles the dispute definitively and without appeal.

Art. 82. Any dispute arising between the parties as to the interpretation and execution of the award shall, in the absence of an agreement to the contrary, be submitted to the tribunal which pronounced it.

Art. 83. The parties can reserve in the *compromis* the right to demand the revision of the award.

In this case and unless there be an agreement to the contrary, the demand must be addressed to the tribunal which pronounced the award. It can be made only on the ground of the discovery of some new fact calculated to exercise a decisive influence upon the award and which was unknown to the tribunal and to the party which demanded the revision at the time the discussion was closed.

Proceedings for revision can be instituted only by a decision of the tribunal expressly recording the existence of the new fact, recognizing in it the character described in the preceding paragraph, and declaring the demand admissible on this ground.

The *compromis* fixes the period within which the demand for revision must be made.

Art. 84. The award is not binding except on the parties in dispute.

When it concerns the interpretation of a convention to which powers other than those in dispute are parties, they shall inform all the signatory powers in good time. Each of these powers is entitled to intervene in the case. If one or more avail themselves of this right, the interpretation contained in the award is equally binding on them.

Art. 85. Each party pays its own expenses and an equal share of the expenses of the tribunal.

CHAPTER IV – *Arbitration by summary procedure*

Art. 86. With a view to facilitating the working of the system of arbitration in disputes admitting of a summary procedure, the Contracting Powers adopt the following rules, which shall be observed in the absence of other arrangements and subject to the reservation that the provisions of chapter III apply so far as may be.

Art. 87. Each of the parties in dispute appoints an arbitrator. The two arbitrators thus selected choose an umpire. If they do not agree on this point, each of them proposes two candidates taken from the general list of the members of the Permanent Court exclusive of the members appointed by either of the parties and not being nationals of either of them; which of the candidates thus proposed shall be the umpire is determined by lot.

The umpire presides over the tribunal, which gives its decisions by a majority of votes.

Art. 88. In the absence of any previous agreement the tribunal, as soon as it is formed, settles the time within which the two parties must submit their respective cases to it.

Art. 89. Each party is represented before the tribunal by an agent, who serves as intermediary between the tribunal and the Government which appointed him.

Art. 90. The proceedings are conducted exclusively in writing. Each party, however, is entitled to ask that witnesses and experts should be called. The tribunal has, for its part, the right to demand oral explanations from the agents of the two parties, as well as from the experts and witnesses whose appearance in court it may consider useful.

PART V FINAL PROVISIONS

Art. 91. The present convention, duly ratified, shall replace, as between the Contracting Powers, the Convention for the Pacific Settlement of International Disputes of the 29th of July, 1899.

Art. 92. The present convention shall be ratified, as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which shall have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform the powers of the date on which it received the notification.

Art. 93. Non-signatory powers which have been invited to the Second Peace Conference may adhere to the present convention.

The power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other powers invited to the Second Peace Conference a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

Art. 94. The conditions on which the powers which have not been invited to the Second Peace Conference may adhere to the present convention shall form the subject of a subsequent agreement between the Contracting Powers.

Art. 95. The present convention shall take effect, for those powers which participate in the first deposit of ratifications, sixty days after the date of the *procès verbal* of this deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Art. 96. In the event of one of the Contracting Parties wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other powers informing them of the date on which it was received.

The denunciation shall have effect only in regard to the notifying power, and one year after the notification has reached the Netherland Government.

Art. 97. A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications effected in virtue of article 92, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 93, paragraph 2) or of denunciation (article 96, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

IN FAITH WHEREOF, the plenipotentiaries have appended their signatures to the present convention.

DONE at The Hague, the 18th of October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel to the Contracting Powers.

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PERMANENT INTERNATIONAL BUREAU OF ANALYTICAL CHEMISTRY OF HUMAN AND ANIMAL FOODS

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This organization was founded by a Convention signed on October 16, 1912, which provides that "the high contracting parties undertake to set up and maintain at joint expense an International Bureau of Analytical Chemistry of Human and Animal Foods."¹

It developed from the work of International Conferences which met in Paris on June 27, 1910, and October 7, 1912. The latter of these conferences also drew up conditions for an international laboratory, and another International Convention was prepared and signed on the same day, October 16, 1912, for the presentation in a standardized form of results of the analysis of substances to be used as food for men and animals.

The Bureau was actually constituted on June 12, 1923 by a decision of the delegates of states which had acceded to the 1912 Convention. The Convention states that the present arrangement is drawn up for a period of 12 years and that at the expiration of this time it will continue in effect for further periods of 12 years among those States which have not notified, one year before the expiry of each period, their intention to withdraw in so far as the Convention concerns them.²

FUNCTIONS AND POWERS OF THE ORGANIZATION

The organization is charged with the verification of all methods of analytical chemistry and in general of all scientific procedure for determining the nature and quantity of the main constituents of food for human and animal consumption; comparison of the analytical methods used in

¹ Convention, Art. 1.

² Id., Art. 10.

the different countries in order to see what common steps are taken for the prevention of falsifications and to facilitate international exchanges; enabling interested States to make field studies of the procedure or analytical methods recommended by the Bureau.¹

ORGANS

The organs are:

- (1) An International Conference which meets every six years;² and
- (2) an International Committee which meets every year, composed of one representative for each member State.³

MEMBERSHIP

The members are Argentina, France, Greece, Hungary, Israel, Mexico, Portugal and Uruguay.

MEANS OF FINANCIAL SUPPORT

It is supported by contributions from member States.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has informal relations with the Food and Agriculture Organization and with the International Commission of Agricultural Industries.

HEADQUARTERS

Its headquarters are at 18 Avenue de Villars, Paris.

¹ Convention, Art. 3.

² Statute, Art. 1.

³ Id., Art. 2.

INTERNATIONAL CONVENTION FOR THE CREATION OF A PERMANENT INTERNATIONAL BUREAU OF ANALYTICAL CHEMISTRY OF HUMAN AND ANIMAL FOODS¹

October 16, 1912

The Sovereigns, Chiefs of State, and Governments of the Powers mentioned hereafter, desiring to establish international regulations for the standardization of food products based on the principles adopted at the International Conference assembled at Paris on June 27, 1910, have resolved to conclude a Convention with a view to the creation of a Permanent International Bureau of Analytical Chemistry, and have agreed on the following provisions.

Art. 1. The High Contracting Parties undertake to set up and maintain at joint expense an International Bureau of Analytical Chemistry of Human and Animal Foods, whose Headquarters shall be at Paris.

Art. 2. The International Bureau shall operate under the authority and supervision of a Committee formed of delegates from the Contracting Governments. The composition and the duties of this International Committee, as well as the organization and the powers of the said Bureau, shall be determined by the organic Statute which is annexed to the present agreement and shall constitute an integral part thereof.

Art. 3. The functions of the International Bureau of Analytical Chemistry shall be:

1. to examine all methods of chemical analysis used in various countries, and, in general, all scientific processes designed to determine the nature and quantity of the constituents contained in human and animal foods;

2. to compare the processes or methods of analysis used in various countries, with each other, to ascertain the agreement that may exist between these processes or methods, in order to combat adulteration of foods, and to facilitate international exchanges;

3. to place at the disposal of the Contracting States the facilities to study on the spot the processes or methods recommended by the International Bureau of Analytical Chemistry;

4. to initiate a preliminary inquiry as to the questions to be discussed by the Committee.

Art. 4. The staff of the Bureau shall be composed of a Director, two Sub-Directors, and a number of chemists and employees required.

The International Committee shall notify the Governments of the High Contracting Parties of any appointments of Bureau staff.

Art. 5. All costs of establishment and equipment of the International Bureau of Analytical Chemistry, as well as the annual cost of maintenance and the expenses of the Committee shall be covered by the contributions

¹ Translation by A. Kroonenberg, The Hague

of the Contracting States according to a scale fixed by the Statute annexed to the present Convention.

Art. 6. The Government of the French Republic shall take the necessary measures to facilitate the acquisition, the appropriation or, as required, the construction of a building specially assigned to this purpose, subject to the provisions laid down in the statute annexed to the present Convention.

Art. 7. The sums representing the shares to be contributed by each of the Contracting States shall be deposited at the beginning of each year, through the intermediary of the Foreign Minister of the French Republic, with the *Caisse des Dépôts et Consignations* (Deposit Bank), whence they shall be withdrawn as they are wanted, by order of the Director of the Bureau.

Art. 8. The Governments which have not signed the present agreement shall be allowed to accede to it at their request. Such accessions shall be intimated through the diplomatic channel to the Government of the French Republic, and by the latter to the other Contracting Governments; it shall comprise a pledge to bear a share in the cost of the Bureau by a contribution, under the provisions laid down in Article 5.

Art. 9. The High Contracting Parties reserve the right to introduce any modifications in the present Convention by agreement among themselves which experience may show to be useful.

Art. 10. The present agreement is entered into for a period of twelve years. On the expiration of this period it shall continue in force for renewed periods of twelve years among those States which shall not have given notice, one year previous to the expiration of each period, of their intension to terminate its effectiveness in their regard.

Art. 11. The present agreement shall be ratified, and the ratifications shall be deposited at Paris as soon as possible; the agreement shall be put into effect from the date on which the ratifications shall be deposited.

Art. 12. The present Convention, which shall bear date of October 16, 1912, may be signed until April 15, 1913 by the plenipotentiaries of the Powers represented at the Paris Conference of June 27, 1910.

In faith whereof the respective plenipotentiaries have signed the Convention and have thereto affixed their Seals.

Done at Paris this sixteenth day of October, one thousand nine hundred and twelve, in a single original, which shall remain deposited in the archives of the Government of the French Republic, and the certified copies of which shall be transmitted through the diplomatic channel to the Contracting Parties.

STATUTE

Art. 1. An International Conference, composed of the Delegates of the Governments of the High Contracting Parties, shall meet every six years.

Its first meeting shall take place three months after the ratifications or accessions by five States, two of which registered in the first group provided for in Art. 16 of the present Statute, have been deposited.

In the course of each session the Conference shall appoint the place of its next meeting.

The Conference shall discuss anything that may relate to the standardization of methods of analysis of foodstuffs, and especially any questions submitted to it by the International Committee referred to in Art. 2 below.

Art. 2. The International Committee set up pursuant to Art. 2 of the Convention shall be composed of representatives appointed by the participating States at a rate of one representative to each State.

Art. 3. The Committee shall be constituted by choosing its President and its Vice-President by secret ballot.

The Vice-President and the President shall be elected for a period of three years.

The Governments of the High Contracting Parties shall be notified of their appointment.

The Committee cannot institute a new election until three months after all the members have been advised thereof by the Bureau of the Committee.

Art. 4. The Committee shall pass its decisions by a majority of votes; in the event of an equality of votes the President shall exercise a casting vote. No decisions shall be valid unless the number of members present shall at least amount to half the number of members of whom the Committee is made up plus one.

Subject to this condition absent members shall have the right to delegate their votes to present members, who shall have to give proof of this delegation. The same procedure shall be adopted with respect to appointments by secret ballot.

Art. 5. The Committee shall meet once a year at Paris, on notice being given by the President of the Committee.

During the interval between two sessions the Committee shall have the right to consult together by letter.

For a decision to be valid it shall be necessary, in this case, that all the members of the Committee shall have been requested to express their views, and that at least half of the said members plus one shall communicate their reply.

Art. 6. All contacts of the Committee with the Governments of the High Contracting Parties shall be effected through the intermediary of their diplomatic representatives at Paris.

All contacts of the Committee with the Government of the French Republic shall be effected through the intermediary of the Foreign Ministry.

Art. 7. It shall be the task of the Committee to establish the International Bureau of Analytical Chemistry instituted by Art. 1 of the Convention.

The International Bureau shall be established in a building specially assigned to its intended purpose.

The building shall comprise common laboratories and private laboratories, a library, archives, products whose origin is established beyond doubt, studies for functionaries, and accommodation for resident caretakers and attendants.

Art. 9. At the request of the Committee the Government of the French

Republic shall make the necessary arrangements to have the Bureau recognized as a public utility establishment, and the said Government shall grant exemption from customs duties to the apparatus and products intended for the Bureau.

Art. 10. The buying expenses and building cost attaching to the building, and the expenses involved in the installation and purchase of instruments and apparatus together shall not exceed frs. 500,000.

Art. 11. The Director of the International Bureau as well as the Sub-Directors shall be appointed by the Committee by secret ballot.

Art. 12. The Director of the International Bureau shall be present at the meetings of the Committee in an advisory capacity. He shall appoint and dismiss the chemists and employees of the International Bureau, in conformity with rules of procedure to be drawn up by the Committee.

The composition of the staff of the Bureau shall be international. Each of the Contracting States shall be entitled to send, at its own expense, two chemists to the laboratories of the International Bureau, for a period that shall not exceed two years.

Art. 13. The annual endowment of the International Bureau shall be fixed at not more than frs. 150,000.

It shall be the task of the Committee, on the proposal of the Director of the International Bureau, to draw up the annual budget; the budget may not, however, exceed this sum of frs. 150,000. Each year the budget shall be brought to the notice of the Governments of the High Contracting Parties in a special financial report.

Should the Committee deem fit to modify either the annual endowment or the manner in which the contributions provided for by Art. 17 of the present Statute are calculated, such an amendment should be submitted to the Governments, so as to enable them in due course to give the necessary instructions to their delegates to the next Conference, in order that the Conference may debate such matters validly. The decision shall be valid only if none of the Contracting States has expressed or expresses its opposition to the amendment at the Conference.

Art. 14. Before each session the Director of the International Bureau shall address to the Committee:

(1) A financial report of the accounts of the financial year elapsed, of which he shall be released after the accounts have been audited;

(2) A report of the condition of equipment and fittings;

(3) A general report of the work accomplished since the preceding session;

(4) A general plan of the work to be undertaken.

The International Bureau shall be placed under the supervision of the Committee itself during the meetings. During the interval between sessions such supervision is exercised by the President of the Committee or by the Vice-President delegated to this end by the President.

The President of the Committee on his part shall forward to all the Governments of the High Contracting Parties, an annual report of the administrative and financial position of the service; this report shall contain an estimate of the expenditure of the next financial year, as well as

the table showing the shares to be contributed by the Contracting States.

The information and the work done by the International Bureau shall be brought to the notice of the participating States, by means of a bulletin or by means of special communications addressed to these States, either as a matter of routine or at their request.

Art. 15. The *Bulletin*, which shall appear at least once a year, shall contain among other things:

(1) General or local laws and regulations promulgated in the various countries concerning human and animal foods;

(2) Information concerning deceptions and adulterations;

(3) Information concerning work carried out in the laboratories;

(4) Bibliographical data.

The official language of the International Bureau and of the *Bulletin* shall be the French language. The Committee may decide that parts of the *Bulletin* shall be published in other languages.

Art. 16. The scale of contributions referred to in Art. 5. of the Convention shall be drawn up on the basis of the endowment fixed in Art. 13 of the present Statute and on the basis of the population in conformity with the following table:

GROUPS	POPULATION in millions of inhabitants	Shares to be contributed
1st group	More than 35	15
2nd group	From 25 to 35	12
3rd „	From 15 to 25	9
4th „	From 10 to 15	6
5th „	From 3 to 10	3
6th „	Less than 3	1

However, the normal contribution of each State may not be in excess of frs 20,000, whatever the size of the population.

It shall be open to any State to subscribe for a higher contribution than that which corresponds to the size of its population.

The shares to be contributed thus calculated shall be valid for the entire period of time elapsing between two successive Conferences and cannot be changed in the meantime except in the following cases:

a. If one of the acceding States shall have allowed three successive years to elapse without making any payments;

b. If, on the other hand, a State previously in arrears for more than three years having paid its overdue contributions, occasion arise to make restitution to the other Governments of the sums advanced by these Governments;

c. Or if, finally, a new State has acceded to the Convention.

If a State which has acceded to the Convention declares its intention to extend the benefit thereof to one or several of its non-autonomous colonies, the number of the population of the said colonies shall be added to that of the State for the calculation of the scale of contributions.

When a colony which has been recognized as autonomous wishes to

accede to the Convention it shall be considered as far as its admission to the present Convention is concerned, according to the decision of the parent country, to be either a dependency of this country, or a Contracting State.

Art. 17. The present Statute shall possess the same force and the same validity as the Convention to which it is annexed.

Done at Paris, October 16, 1912, in a single copy, which shall remain deposited in the archives of the Government of the French Republic, and the certified copies of which shall be transmitted to the Contracting Powers through the diplomatic channel.

POSTAL UNION OF THE AMERICAS AND SPAIN

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This Organization operates under a Convention signed at Bogotá on November 9, 1955. Annexed to the Convention are a Final Protocol relating to exceptions in favor of raised print for the blind and Regulations for the Execution of the Convention.

The first Inter-American postal organization, known as the South American Postal Union, was established by 10 South American states in accordance with the South American Postal Convention signed February 2, 1911, in Montevideo. In 1929, at the First Pan American Postal Congress, held in Buenos Aires, this agency was transformed into the Pan American Postal Union, pursuant to the Pan American Postal Convention signed September 15, 1921. The International Office of the South American Postal Union, which has been set up in Montevideo, was retained as the International Office of the Pan American Postal Union. The Convention signed at Buenos Aires was revised at the Second Pan American Postal Congress, convened in Mexico City, November 9, 1926. At the Third Pan American Postal Congress, held in Madrid, November 10, 1931, the name of the organization was changed to the Postal Union of the Americas and Spain, the latter country having joined in 1924. The Fourth Pan American Postal Congress was held in Panama in 1936, the Fifth Congress at Rio de Janeiro in 1946, where a new convention was drawn up on September 25, and the sixth at Madrid where a new convention was signed on November 9, 1950.

The convention provides that the contracting parties constitute a single postal territory¹ and that there operates in Montevideo under the supervision of the Ministry in charge of postal services, a central office which acts as medium of study, liaison, information, consultation, legal advice and technical assistance for members.²

The convention became effective on March, 1956, "and will remain in force without time limit."³ Members may withdraw from the Union by

¹ Convention, Art. 1.

² Id., Art. 13.

³ Id., Art. 54.

means of notice given by its government to that of the Oriental Republic of Uruguay one year in advance.¹

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Convention creating the organization and the regulations relating to its operations contain various provisions for the regulation of international postal service among the member nations, many governed by the Acts of the Universal Postal Union with specific provision that matters not provided for in the Acts of the Union shall be subject to the provisions of the Acts of the Universal Postal Union in force.² An International Transfer Office is maintained in Panama.³

The functions of the International Office of the Union which is in Montevideo include the assembling, co-ordinating, publishing and distributing of information of all kinds which specifically concerns the Americo-Spanish postal service; providing legal advice and technical assistance; giving, at the express request of the parties concerned, its opinion on disputed questions; making a summary of Americano-Spanish postal statistics on the basis of data which each administration communicates to it annually; preparing a table giving in detail all maritime services dependent upon countries of the Postal Union of the Americas and Spain, which may be utilized gratuitously for the transportation of their correspondence, under specified conditions; publishing the postage rates of the domestic service of each of the countries concerned; making and distributing proposals for Conferences and Congresses; mediating as a clearing administration in the settlement of postal accounts; publishing various digests, documents, etc.⁴

ORGANS

Its organs are:

- (1) Congresses which meet every two years, each member having one vote;⁵
- (2) the International Office with a director appointed by the Uruguayan Government after consultation with members;⁶
- (3) the Transfer Office, under the supervision and control of the Direction of Posts and Telecommunications of Panama and of the International Office.⁷

MEMBERSHIP

The members are Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala,

¹ Id., Art. 8.

² Id., Art. 22 and 32-53.

³ Id., Art. 14.

⁴ Regulations, Art. 101.

⁵ Convention, Art. 9.

⁶ Id., Art. 13, and Regulations, Art. 106.

⁷ Convention, Art. 14.

Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain, United States, Uruguay and Venezuela.

MEANS OF FINANCIAL SUPPORT

It is supported by contributions by members in accordance with a graduated scale applied to three groupings.¹ Expenses occasioned by technical assistance and legal advice are borne by those requesting such services.²

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

It has relations with the Universal Postal Union,³ and the Organization of American States.

HEADQUARTERS

Its headquarters are at Calle Treinta y Tres 1334, Montevideo.

¹ Id., Art. 15.

² Regulations, Art. 112.

³ Convention, Art. 22.

POSTAL UNION OF THE AMERICAS AND SPAIN

CONVENTION¹

Signed at Bogota on November 9, 1955

Concluded between:

Argentina, Bolivia, Canada, Colombia, Costa Rica, Cuba, Chile, Ecuador, El Salvador, Spain, the United States of America, the United States of Brazil, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, the Republic of Venezuela, and Uruguay.

The undersigned, Plenipotentiaries of the Governments of the countries mentioned, assembled in Congress in the city of Bogotá, capital of the Republic of Colombia, by virtue of the provisions of Article 24 of the Convention of the Postal Union of the Americas and Spain signed in Madrid, capital of Spain, on November 9, 1950, and in exercise of the right granted them by the Convention of the Universal Postal Union, inspired by the desire to extend, facilitate, and perfect their postal relations, to establish a solidarity of action capable of representing efficaciously their mutual interests in the Congresses, Conferences, and other meetings of the Universal Postal Union insofar as it concerns their communications by mail, and to harmonize the efforts of the member countries towards the attainment of those mutual aims, have decided to conclude, *ad referendum*, the following Convention:

FIRST PART

ORGANIC AND GENERAL PROVISIONS OF THE POSTAL UNION OF THE AMERICAS AND SPAIN

TITLE I – ORGANIC PROVISIONS

Chapter I – Constitution of the Union

Art. 1. Constitution of the Union. The contracting countries constitute, under the name of Postal Union of the Americas and Spain, a single postal territory.

Art. 2. Juridical personality. Within each member country, and subject to the domestic legislation of each one, the Postal Union of the Americas and Spain shall enjoy the legal capacity which may be necessary for the exercise of its functions and the realization of its aims.

Art. 3. Seat of the Union. The seat of the Union and of the Inter-

¹ US Treaties and other International Acts Series 3653, translation prepared by U.S. Post Office Department. Supplied by the Pan American Union.

national Office of same is located in Montevideo, capital of the Oriental Republic of Uruguay.

Art. 4. Privileges and immunities. The Postal Union of the Americas and Spain shall enjoy in the territory of each one of the member States, whose domestic laws do not prevent it, the privileges and immunities necessary for the realization of its aims.

Art. 5. Extent of jurisdiction of the Union. The following form part of the Union:

(a) Post Offices established by member countries in territories not included in the Union;

(b) Other territories which, without being members of the Union, come under the jurisdiction of member countries from the postal viewpoint.

Art. 6. Official language. The official language of the Union is Spanish. However, member countries whose language is not Spanish may use their own.

Art. 7. Restricted Unions. Member countries may establish among themselves closer unions, with a view to reducing rates or introducing other improvements in any of the services referred to in the present Convention or special Agreements.

Art. 8. Withdrawal from the Union. 1. Each member country has the right to withdraw from the Union by means of a notice given by its Government to that of the Oriental Republic of Uruguay, which shall make it known to the other member countries.

2. Withdrawal from the Union shall become effective upon completion of the period of one year, counting from the date of receipt of the notification by the Government of the Oriental Republic of Uruguay.

Chapter II – Organization of the Union

Art. 9. Congresses. 1. The Congresses shall meet, at the latest, two years after the holding of each Universal Postal Congress, in order to revise or complete the Acts of the Union, if necessary, and to deal with such matters of interest to the Union as they may deem necessary.

2. Each member country shall be represented at the Congresses by one or more plenipotentiary delegates. It may also be represented by the delegation of another member country. The delegation of one country may not represent more than two countries, including its own.

3. Each country shall have a single vote.

4. Each Congress shall determine the place at which the next Congress is to be held. All the member countries must be convoked, directly or through the intermediary of a third country, by the Government of the country in which the Congress is to take place, after reaching an understanding with the International Office of the Union. The said Government shall undertake to notify all the Governments of the member countries of the resolutions adopted by the Congress.

5. The deliberations shall be governed by the Rules of Procedure approved by the preceding Congress, without prejudice to the modifications which may be introduced during its session.

6. The final date for the submission of propositions for Congresses shall

be four months prior to the opening date of the Congress, as shown by the postmark of the country sending them.

7. The propositions to be submitted for the deliberation of each Congress shall be published and distributed by the International Office to all the Administrations three months prior to the date designated for the beginning of the sessions.

8. Propositions sent after the date indicated in Section 6 shall not be taken into consideration unless their late transmission was due to unforeseen and duly justified circumstances and they are supported by two other Administrations.

9. An exception is made to propositions of an editorial nature, which must show in their heading the letter "R", and which shall be referred to the Editing Committee of the Congress.

Art. 10. Extraordinary meetings. If the interval between two Universal Postal Congresses should exceed five years, or if two thirds of the member countries should request it, a possible meeting may be agreed upon through the intermediary of the International Office of the Union and by unanimous vote.

Art. 11. Conferences. 1. Upon the initiative or with the consent of two thirds of the member countries, Conferences to examine technical or administrative matters may be held.

2. The place of meeting of the Conference shall be determined by the Postal Administrations which took the initiative, by agreement with the International Office of the Union. The Administration of the country where the Conference is to be held shall extend the appropriate invitations.

Art. 12. Preliminary Conferences to Universal Postal Congresses. Delegates of the member countries of the Postal Union of the Americas and Spain to Universal Postal Congresses shall meet in the city designated as the site of those Congresses fifteen days before the opening date of same, in order to hold a Conference at which the procedures for joint action to be followed shall be determined.

Art. 13. International Office of the Union. Under the name of International Office of the Postal Union of the Americas and Spain, at the seat of the Union, under the supervision of the Ministry in charge of the postal service of the Oriental Republic of Uruguay, there operates a central Office which acts as medium of study, liaison, information, consultation, legal advice, and technical assistance for the Administrations of the member countries. In case the Direction General of Posts should recover its administrative autonomy, the supervision shall pass to it.

Art. 14. International Transfer Office. 1. Under the name of International Transfer Office, an Office operates in the Republic of Panama, upon which it devolves to receive and forward the dispatches of mail originating in Administrations of the member countries which, upon passing in transit through the Isthmus, give rise to transfer operations.

2. All the closed mails of the member countries which have to be transferred at the Isthmus of Panama shall be handled by the Office, with the exception of the dispatches from Administrations which have their own services, in accordance with bilateral Agreements signed with the Republic of Panama.

3. The organization and operation of the International Transfer Office are subject to the supervision and control of the Direction General of Posts and Telecommunications of Panama and of the International Office of the Union, upon which latter it is incumbent, moreover, to act as mediator and legal adviser in any situation which may arise between the Postal Administration of Panama and the Postal Administrations of the member countries which carry out transfer operations at the Isthmus.

Art. 15. Expenses of the Union. 1. The expenses of the Union are divided into ordinary and extraordinary expenses.

2. Those expenses which result from special tasks entrusted to the International Office, and those caused by the meeting of a Congress, a Conference, a Committee, or any meeting having to do with the international postal service of the Union or of the Universal Postal Union, are considered as extraordinary expenses.

3. The ordinary and extraordinary expenses shall be defrayed jointly by all the member countries of the Union.

4. The latter are classified, for this purpose, into three categories, each of which contributes towards the payment of the expenses in the following proportion:

1st. category	8 units;
2nd. „	4 „ ; and
3rd. „	2 „ .

5. In case of a new adherence, the Government of the Oriental Republic of Uruguay, by mutual agreement with the International Office and the Government of the country concerned, shall determine the group in which the latter should be included, for the purpose of sharing in the expenses of the International Office.

6. Three months before the end of each year, the International Office of the Union shall prepare a budget covering the general expenses and the extraordinary expenses of the Office and shall submit such budget to the member countries. This budget shall be authorized by three-fourths of the total number of "Units" which are assigned to the member countries and shall govern from January 1 to December 31 of the following year. Member countries failing to reply within the period of two months shall be considered as having accepted it.

7. The expenses required for the maintenance of the International Transfer Office shall be borne by the member countries, divided in proportion to the number of their own mail bags exchanged through its intermediary.

Chapter III – Acts of the Union

Art. 16. Convention and Agreements of the Union. 1. The Convention is the constitutive Act of the Union.

2. The provisions of the Convention govern, in all matters provided for, the services relative to articles of correspondence.

3. The other services shall be governed by the Agreements of the Union, by those which the countries may sign with one another in the matter, or, in lieu thereof, by those of the Universal Postal Union.

Art. 17. Participation in the Agreements. Member countries have the right not to participate in one or more Agreements, under the conditions stipulated in Article 8 of this Convention.

Art. 18. Regulations of Execution. The measures of procedure and detail necessary for the execution of the Convention and Agreements are specified in the Regulations of Execution of same.

Art. 19. Resolutions. Although the resolutions are not binding, the Administrations which put them into effect are obligated to make that fact known to the others through the intermediary of the International Office of the Union.

Art. 20. Ratification. 1. The Acts adopted by a Congress shall be ratified as soon as possible through diplomatic channels to the Government of the country where the Congress was held. The relative certificate shall be drawn up concerning the deposit of the ratification, a copy of which this same Government shall send, through diplomatic channels, to the Governments of the other signatory countries.

2. The Acts shall become effective simultaneously and shall have the same duration.

3. Effective on the date set for the entry into force of the Acts adopted by a Congress, all those of the preceding Congress shall be abrogated.

4. In the event that one or more of the Acts should not be ratified by one or more of the member countries, those Acts shall nevertheless be valid for those which did ratify them.

5. The member countries may ratify the Acts provisionally by correspondence, giving notice thereof to the International Office of the Union, without prejudice to the fact that, in accordance with the legislation of each country, its approval shall be confirmed through diplomatic channels.

Chapter IV – Modification or Interpretation of the Acts

Art. 21. Propositions during the interval between meetings. 1. The Acts of the Union may be modified in the interval between Congresses, following the procedure established in the Convention of the Universal Postal Union.

2. In order for the propositions to become effective, they must obtain:

(a) A unanimity of votes, if it is a question of modifying the provisions of Articles 1 to 18, 20 to 23, 26, 29, 32, 34 to 36, 39 to 42, 48 and 49 of the Convention, and of Articles 106, 109, 114, and 116 of the Regulations of Execution;

(b) Two-thirds of the votes, if it is a question of the basic modification of provisions other than those mentioned in sub-section a);

(c) A majority of the votes, if it is a question of:

1. Modifications of an editorial nature of the provisions of the Convention and its Regulations other than those mentioned in sub-section a);

2. The interpretation of the provisions of the Convention, its Final Protocol, and its Regulations, except in case of disagreement which is to be submitted for arbitration as prescribed in Article 26.

3. The Agreements establish the conditions to which the approval of propositions concerning them is subject.

Chapter V – Legislation and subsidiary rules

Art. 22. Application of the Universal Postal Legislation. All matters connected with the execution of the postal service which are not provided for in the Acts of the Union shall be subject to the provisions of the Acts of the Universal Postal Union in force.

Art. 23. Domestic Legislation and Special Agreements. The domestic legislation of the member countries shall apply in all matters not expressly provided for in the Acts of the Union or in the Universal Postal legislation. However, in such case, the Administrations may adopt such solutions as they may deem desirable through correspondence or, if necessary, by means of a special Agreement.

Art. 24. Special services. Member countries may, on the basis of special Agreements or through correspondence, extend to the other member countries the postal services which they are rendering now or which they may establish in the future within their respective countries.

Art. 25. Modifications and Amendments. Modifications or resolutions adopted by the member countries, even those of a domestic nature, which may affect the international service, shall become effective three months after the date on which they are announced by the International Office of the Union.

Chapter VI – Arbitration

Art. 26. Arbitration. Any conflict or disagreement which may arise in the postal relations of the member countries shall be settled by arbitration, which shall be carried out in a manner similar to that prescribed by the Convention of the Universal Postal Union in force. The designation of arbitrators shall devolve upon the signatory countries and, if necessary, with the intervention of the International Office of the Union.

Chapter VII – Postal Officials

Art. 27. Protection and exchange of officials. 1. The Administrations of the member countries shall furnish every facility to the officials which one of the said Administrations may decide to send to any other in order to study the development and improvement of the postal services.

2. The Administrations, through the intermediary of the International Office of the Union, shall come to an agreement about exchanging officials with one another. Notwithstanding the foregoing, Administrations may also come to an agreement to send officials for purposes of apprenticeship or instruction, without the requisite that an exchange of officials take place.

3. Once the exchange or unilateral assignment of officials referred to in the preceding Sections has been agreed upon by two or more Administrations, the latter shall come to an agreement upon the manner in which the relative expenses are to be defrayed, and, when they deem it necessary,

upon the initiative and through the intermediary of the International Office of the Union.

Art. 28. Co-operation with the International Office of the Union. Administrations of the member countries may send to the International Office of the Union, when the latter so requests in manifestly justifiable cases, for the time absolutely necessary and to the charge of the extraordinary expenses of the Office, technical officials to collaborate in carrying out special tasks.

Chapter VIII – Universal Postal Meetings

Art. 29. Unity of action. The member countries obligate themselves to instruct their delegates to Universal Postal Congresses and to other Meetings organized by the Universal Postal Union to support, unanimously and firmly, all the principles established in the Postal Union of the Americas and Spain.

Art. 30. Propositions for Congresses. All the member countries shall make known to the International Office of the Union, at the same time that they do so to the International Bureau of the Universal Postal Union, the propositions which they may formulate for the Universal Postal Congresses.

Art. 31. Exchange of Observers. 1. The Union may send observers to the Congresses of the Universal Postal Union.

2. Observers for the Universal Postal Union shall be admitted to the Congresses, Conferences, and Meetings of the Union.

TITLE II – PROVISIONS OF A GENERAL NATURE

Chapter I – Rules relative to the International Postal Services

Art. 32. Freedom of transit. 1. Freedom of postal transit is guaranteed by the member countries throughout the entire territory of the Union, with the limitations established in the Universal Postal Convention in force.

2. The member countries bind themselves to forward the mails of the other countries by the most rapid ways and means used for their own mails.

Art. 33. Ownership of articles of correspondence. Articles of correspondence belong to the sender until they are delivered to the addressee, unless there is a provision to the contrary in the domestic legislation of any member country.

Art. 34. Allocation of postage. Except in the cases expressly provided for by the Convention and Agreements, each Administration shall retain in full the postage which it has collected.

Art. 35. Charges and fees. The charges and fees pertaining to the various international postal services are those established in the Convention and Agreements of the Union, it being prohibited to collect postal charges, surcharges, and fees which have not been expressly prescribed in those Acts.

Art. 36. Monetary standard. The gold franc adopted as monetary unit in the provisions of the Convention and Agreements of the Union is the one defined in the Convention of the Universal Postal Union in force.

Art. 37. Forms. Use of the various forms established in the Convention and Agreements of the Union is obligatory, and, in other cases, of those in force in the regime of the Universal Postal Union, unless the Administrations concerned have concluded an Agreement about the matter.

Art. 38. Co-operation for the transportation of correspondence in transit. The Administrations of the member countries shall be obligated to furnish each other, upon request, such co-operation as may be needed by their employees in charge of the transportation of correspondence in transit through such countries.

Art. 39. Postage stamps. 1. The Administrations are bound to send to the International Office three (3) copies of the postage stamps, air-mail stamps, and commemorative stamps which they issue, as well as the specimen impressions of their postage meters, accompanied by the copy of the respective order of issue.

2. The said Office shall organize, in the manner which it deems most advisable, a permanent exhibition of the above-mentioned stamps, and shall centralize the philatelic information of our Union.

SECOND PART

PROVISIONS RELATIVE TO ARTICLES OF CORRESPONDENCE

Chapter I – General Provisions

Art. 40. Articles of correspondence. The term “articles of correspondence” applies to letters, single and reply-paid post cards, commercial papers, printed matter, raised print for use by the blind, samples of merchandise, small packets, and phonopost articles.

Art. 41. Obligatoriness of the service. The acceptance, transmission, and receipt of articles of correspondence is obligatory. However, the exchange of small packets and phonopost articles shall be restricted to the countries which agree to carry it out, either in their reciprocal relations or in a single direction.

Art. 42. Gratuity of transit. 1. The gratuity of territorial transit is absolute in the territory of the Union; consequently, the member countries obligate themselves to transport across their territories, without any charge for the member countries, all the correspondence which the latter may send to any destination whatsoever within the Postal Union of the Americas and Spain.

2. The gratuity of the maritime transit shall be absolute only when the transportation is effected by ships of the flag or registry of any member country, but shall be limited to the cases in which the port of embarkation and that of disembarkation belong to member countries, and when the shipments are not destined for countries outside the Union.

3. The member countries shall not limit themselves to the exclusive use

of ships under the flag or registry of member countries when the maritime transport can be effected more rapidly by ships of other nationalities.

4. When any member country grants to ships which are under the flag or registry of another member country a "patent of postal privilege" or some similar one, which compels the ship to transport the correspondence gratuitously, the Postal Administration of the granting country shall make it known without delay to the Administration of the country whose flag the ship is flying or in which it is registered.

Art. 43. Rates. 1. The postage rates and postal fees applicable to the articles of correspondence of the domestic service of each country shall govern in the relations of the member countries, except when said domestic rates or postal fees are higher than those applicable to correspondence destined for countries of the Universal Postal Union, in which case the latter shall govern.

2. The international rates shall also govern when it is a question of services which do not exist in the domestic regime.

Art. 44. Reduction of rates. Articles of correspondence, with the exception of small packets, exchanged between school administrations of the countries of the Postal Union through the intermediary of their principals, may enjoy – provided reciprocity exists – a rate equivalent to 50% of the usual rate when their weight does not exceed one kilogram and they meet the other requirements established for their postal classification.

Art. 45. Franking privilege. 1. The member countries agree to grant the franking privilege in their domestic service and in the Americano-Spanish service:

(a) To correspondence relative to the postal service sent by the Administrations of the member countries and their offices, the International Office of the Union, and the International Transfer Office.

(b) To correspondence of members of the Diplomatic Corps of the member countries.

(c) To official correspondence which Consuls and Vice-Consuls in the performance of their duties send to their respective countries; to that which they exchange among themselves; to that which they address to the authorities of the country in which they are accredited, and to that which they exchange with their respective Embassies and Legations, provided reciprocity exists.

(d) To official correspondence of the National Commissions of Intellectual Cooperation established under the auspices of the Governments in accordance with the Pan American and Universal Conventions in force.

(e) To official correspondence of the Organization of American States.

(f) To printed matter sent by publishers or authors to the Information Offices established by the Administrations of the member countries, as well as that sent by them gratuitously to libraries and other national cultural centers, officially recognized by the Governments of the member countries.

(g) To raised print for use by the blind and articles considered as such, such as open letters written in Braille or Klein characters.

(h) To articles of correspondence addressed to prisoners of war, to interned belligerents and civilians, and to articles sent by them.

2. The correspondence referred in sub-sections a), b), and c) of the preceding Section may be sent registered, without payment of the respective fee, but without being entitled to any indemnity.

3. The official correspondence of the central Governments of the member countries which, in accordance with their domestic laws, circulates free of postage in their domestic regime, shall be accepted with the same franking privilege in the country of destination, without any charge on same, provided strict reciprocity is observed.

4. The exchange of correspondence of the Diplomatic Corps, between the Secretariats of State of the respective countries and their Embassies or Legations, shall be reciprocal between the member countries, and shall be effected in open mail or by means of diplomatic pouches, enjoying in both cases the franking privilege and all the safeguards of official mails.

5. Barring agreement to the contrary, the franking privilege granted by this Article does not extend to the air surcharge nor to the special services existing in the regime of the Union or in the domestic service of the member countries. Neither is it obligatory for airmail articles from countries which use combined charges.

Art. 46. Weight and dimensions. The weight and dimension limits of articles of correspondence shall conform to those established in the Convention of the Universal Postal Union, with the exception of printed matter, whose weight may reach 5 kilograms, or even 10 in the case of works in a single volume. However, articles with a weight greater than 5 and up to 15 kilograms shall be accepted, even when it is not a question of works in a single volume, upon agreement between the Administrations concerned.

Art. 47. Return of undeliverable articles. It is established optionally that articles which have not been delivered to the addressees for any reason whatsoever shall be returned to origin exempt from payment of any charge, either customs or postal.

Chapter II – Registered Articles

Art. 48. Registration fee. The articles referred to in Article 40 may be sent registered upon payment of a fee equal to that established for the domestic service of the country of origin, except when that is higher than the one applicable in accordance with the Convention of the Universal Postal Union, in which case the latter shall govern.

Art. 49. Responsibility. In case of responsibility on the part of the Postal Administrations of the member countries for the loss of a registered article, the sender shall be entitled to an indemnity of 10 gold francs or the equivalent thereof in the currency of the country which has to pay it, but he may claim a lower indemnity.

Chapter III – Air Transport of Mail Matter

Art. 50. Prepayment of air-mail correspondence. In addition to the methods of prepayment of air-mail correspondence established in the Universal postal legislation, the member countries may adopt the method of combined air charges, composed of a postal quota corresponding to the ordinary postage and of an air quota corresponding to the cost of the air transport.

Art. 51. Unit of weight. 1. For the application of the postage rates of the air-mail service, five grams or multiples of five grams are established as weight unit for the air-mail correspondence with surcharge or combined air charge.

2. However, member countries which do not have the decimal metric system may adopt its equivalent in accordance with the system of weights which they have in force in their domestic postal service.

Art. 52. Calculation of the remunerations for diplomatic pouches. For purposes of calculation of the remunerations for the transport by air, diplomatic pouches shall be considered as correspondence of the A.O. class, except in cases where the member countries have agreements in the matter.

Art. 53. Preferential treatment in emergencies. 1. Correspondence of the international air-mail service shall receive preferential treatment in its forwarding and delivery in the country of destination when, owing to unforeseen circumstances or *force majeure*, it cannot be conveyed to the said country in the planes in which it would normally be sent.

2. When, through *force majeure*, the planes cannot land in the country of destination, the dispatches of any origin whatsoever shall be sent to one of the contiguous countries offering the best guarantees for their forwarding, which is to be effected by the most rapid means available.

THIRD PART

FINAL PROVISIONS

Art. 54. Entry into force and duration of the Convention. The present Convention shall become effective on March 1, 1956, and shall remain in force without time limit, the stipulations of the Postal Convention of the Americas and Spain and of the Agreement Relative to the Air Transport of Mail Matter signed in Madrid, Spain, on November 9, 1950, being abrogated as of that date.

In testimony whereof, the Plenipotentiaries of the Governments of the countries mentioned above sign the present Convention in the city of Bogotá, capital of the Republic of Colombia, on the ninth day of the month of November, 1955.

FINAL PROTOCOL OF THE CONVENTION

At the moment of signing the Convention concluded by the Seventh Congress of the Postal Union of the Americas and Spain, the Plenipotentiaries who undersign agreed upon the following:

I. Exception to the franking privilege in favor of raised print for use by the blind

By exception to the provisions of subsection g) of Article 45 of the Convention, the member countries which do not grant the franking privilege to raised print for use by the blind in their domestic service

shall have the option of collecting the charge established in their domestic service.

II. Canada and the United States of America formulate a reservation to Article 4, "Privileges and Immunities", since they cannot comply with its stipulations.

III. The United States of America formulates a reservation to Article 42, "Gratuity of Transit", since it cannot comply with its stipulations.

IV. Chile, the United States of Brazil, and Peru give express notice that they do not accept the reservation formulated by the United States of America to Article 42, "Gratuity of Transit".

V. Ecuador and the United States of America formulate a reservation to Article 43, "Rates", since they cannot comply with its stipulations.

VI. Argentina, Costa Rica, Chile, the United States of Brazil, Honduras, Peru, and Uruguay formulate a reservation to Article 43, "Rates", to the effect that they leave to the judgment of their Governments the option of applying or not applying the rates of the domestic service to the countries which formulate reservations to Article 42, "Gratuity of Transit".

VII. Canada formulates a reservation to Article 45, "Franking Privilege", to the effect that it cannot accept sub-sections d), e), and f) of Section 1, and Section 3 of the same Article.

VIII. Ecuador formulates a reservation to Article 45, "Franking Privilege", to the effect that it cannot comply with its stipulations.

Bogotá, capital of the Republic of Colombia, the ninth day of the month of November, 1955.

REGULATIONS OF EXECUTION OF THE CONVENTION OF THE POSTAL UNION OF THE AMERICAS AND SPAIN

Concluded between:

Argentina, Bolivia, Canada, Colombia, Costa Rica, Cuba, Chile, Ecuador, El Salvador, Spain, the United States of America, the United States of Brazil, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, the Republic of Venezuela, and Uruguay.

The undersigned, in the name of the Administrations which they represent, have approved the following Regulations in order to assure the execution of the preceding Convention.

FIRST PART

GENERAL PROVISIONS

Chapter I – International Office of the Union

Art. 101. Functions of the Office. The International Office of the Union shall undertake:

- (a) To assemble, co-ordinate, publish, and distribute all kinds of information of special interest to the Americano-Spanish postal service.

(b) To furnish legal advice and render technical assistance to the Administrations of the member countries which may request it

(c) To serve as intermediary for the regular and general notifications of exclusive interest to the Postal Administrations of the member countries.

(d) To make known to the Administrations any special information which they may require concerning matters connected with the Americano-Spanish postal service.

(e) To state, at the express request of the parties concerned, its opinion on matters in dispute.

(f) To express, on its own initiative or at the request of any of the Administrations of the member countries its opinion in all matters of a postal nature which may affect or be related to the general interests of the Union.

(g) To circulate requests for modification or interpretation of the Acts of the Union, making known the changes adopted.

(h) To send out a special circular when an Administration requests the publication of any change in its service.

(i) To suggest, if possible six months in advance of the date on which they are to be held, propositions for the Congresses and Conferences of the Union relative to the organization and endowment of the Office and, with regard to the increased efficiency of that Office, reporting on its operations since the last Congress.

(j) To inform of the results obtained from the important regulatory provisions and measures which the Administrations may adopt in their domestic service

(k) To make a summary of the Americano-Spanish postal statistics, on the basis of the data furnished it annually by each Administration, for which purpose it shall send to the Administration a form calling for complete and detailed postal statistical data, in accordance with a scientific and rational plan.

(l) To prepare a table showing the maritime services under the jurisdiction of the member countries which may be utilized gratuitously for the conveyance of their correspondence, under the conditions indicated in Article 42 of the Convention

(ll) To publish the postage rates of the domestic service of each of the member countries, with their respective equivalents in gold francs.

(m) To publish and distribute annually a report of the work which it performs.

(n) To carry out the studies and tasks which may be requested of it in the interest of the member countries in connection with work of a social, economic, and artistic nature, for which purpose it shall be at the disposal of the said countries, in order to furnish them any special information which they may require concerning matters relative to the Americano-Spanish postal service.

(nn) To participate and collaborate in the organization and holding of Congresses, Meetings, and Conferences of the Union.

(o) To organize the preliminary Conferences to Universal Postal Congresses, inviting the member countries sufficiently in advance.

(p) To distribute the propositions which it receives for the Congresses, Meetings, and Conferences of the Union and for the Universal Postal Congresses.

(q) To distribute among the Administrations the Postal Laws and Regulations of each of them.

(r) To organize a philatelic section, in accordance with the provisions of Section 2 of Article 39 of the Convention

(s) To mediate as clearing Administration in the settlement of postal accounts, at the request of the Administrations concerned.

(t) To prepare and distribute the international postal insignia of the Union, consisting of an emblem for the personal use of the officials of the Administrations.

(u) To publish an official digest of all the information relative to the execution of the Acts of the Union of special interest to the Americano-Spanish postal service.

(v) To publish the documents of the Congresses, Meetings, or Conferences of the Union, as well as an alphabetical and methodical summary of them, on loose sheets, in which shall be included a small extract of the origins of each provision.

(w) To publish an annotated edition of the Acts of the Union, with references to the corresponding texts of the Universal Postal Union.

(x) To publish a monthly summary of the circulars of the International Bureau of the Universal Postal Union which are of interest to the postal service of the [Americano-Spanish] Union.

(y) To translate into Spanish and publish the Acts of the Universal Postal Union and the Acts annotated by the International Bureau of the Universal Postal Union. At the request of and by agreement between the Administrations and the International Office of the Union, the latter will make the translation into other languages, at the expense of the member countries concerned.

Art. 102. Functions of the Director. 1. The Director of the International Office of the Union, with such personnel of the Office as he may deem necessary, shall attend the Congresses, Meetings, and Conferences of the Union, being permitted to take part in the discussions without the right to vote.

2. The Director, with such personnel of the Office as he may deem necessary, may attend as observer, in accordance with the provisions of the Convention of the Universal Postal Union in force, the meetings of the Universal Postal Union where problems which may affect the general interests of the [Americano-Spanish] Union are to be discussed.

3. The Director shall consult with the representatives of the air lines of the member countries, or with a Committee representing same, with a view to discussing those points which may facilitate the air-mail service.

4. The Administrations shall submit to the International Office the propositions pertaining to the topics which are to be the subject of those conservations or meetings.

5. The site of these meetings shall be established by the International Office, by mutual agreement with the representatives of the air lines.

6. The International Office shall inform all the member countries of the results obtained.

Art. 103. Documents and information which shall be sent to the International Office of the Union. 1. The Administrations of the member countries shall send to the International Office of the Union, regularly and promptly:

(a) All the information which the International Office itself may request for the publications, reports, and other matters within its province in such manner as to permit the execution of its task as soon as possible.

(b) Their postal legislation and its subsequent modifications.

(c) Their Postal Guide, whenever one is published.

(d) The results of their annual postal statistics and of their traffic with the other member countries.

(e) The text of the propositions which they may submit for the consideration of the Congresses, Meetings, or Conferences of the Union, or of the Universal Postal Congresses.

(f) Data of all kinds of interest to the Americano-Spanish postal service whenever a new provision is promulgated.

(g) Twenty five copies of their Postal Laws and Regulations.

(h) A chart showing in detail all the maritime services under the jurisdiction of the member countries which may be utilized gratuitously by the others for the transportation of their correspondence

(i) The variations in their domestic rates as well as in the equivalents, as soon as they occur

(j) Three copies of the postage stamps which they issue, in accordance with the provisions of Section 2 of Article 39 of the Convention.

(k) Copies of the reports which they issue concerning service organizations, which are requested by the Executive and Liaison Committee or by the International Bureau of the Universal Postal Union.

2. Any subsequent modification shall be made known without delay.

3. The Administrations of the member countries shall also inform the International Office of the Union, three months in advance of the opening date of each Congress, of the measures taken with a view to putting into effect in their respective countries the resolutions and recommendations of the last Congress.

Art. 104. Documents and information which shall be sent to the International Office of the Union relative to the air-mail service. 1. The Administrations of the member countries, at the request of the International Office of the Union, shall send regularly and promptly all the data and information which, pertaining to the air-mail service of the Union, are of interest to the other Administrations, and especially:

(a) The surcharges and combined air charges established in accordance with the equivalence of their currency in relation to the gold franc, and the weight units adopted.

(b) The air lines which come under the direct or indirect jurisdiction of their Administration and which can be utilized for the conveyance of mail matter.

(c) The contracts concluded for the transportation of the air-mail correspondence.

(d) The airports established within their territory, as well as the offices qualified to handle the traffic of closed mails.

(e) A list of the provinces, departments (counties), or important localities of their country, in alphabetical order, which will make possible the correct formation of the dispatches.

2. Any subsequent modification of the information referred to in Section I must be made known without delay.

Art. 105. Publications. 1. The International Office of the Union shall distribute gratuitously among the Postal Administrations of the member countries, and send to the International Bureau of the Universal Postal Union and to the Secretariat General of the Organization of American States, the documents published by it, sending to each Administration the number of copies to which it is entitled in proportion to the number of copies to which it is entitled in proportion to the number of units which it contributes. Additional copies of the documents which the Administrations may request shall be paid for by them at cost price.

2. The publications referred to in letters w), x), and y) of Article 101 of the Regulations of Execution shall be furnished the Administrations requesting them at cost price.

Art. 106. Appointment and Removal of Officials. 1. The Director of the International Office of the Union shall be appointed by the Government of the Oriental Republic of Uruguay, after consultation with the member countries, and from among the candidates proposed by the latter.

2. The Assistant Director-Secretary General, the Legal Adviser, the Secretariat Officer, the Translating Officer, and other personnel of the Office shall be appointed by the supervisory authority upon nomination by the Director of the International Office.

3. The said personnel may be removed from their positions only through the intervention of the supervisory authority and in accordance with the procedures governing in such cases for the permanent employees of the same organization.

Art. 107. Rights of the officials. 1. The monthly salary of the Director of the International Office of the Union is fixed at 1,700 Uruguayan pesos; that of the Assistant Director-Secretary-General, at 1,400 Uruguayan pesos; that of the Legal Adviser, at 1,100 Uruguayan pesos; that of the Secretariat Officer, at 900 Uruguayan pesos; that of the Translating Officer, at 700 Uruguayan pesos; that of the Assistants, at 500 Uruguayan pesos each, and that of the Janitor, at 400 Uruguayan pesos.

2. The officials of the International Office of the Union shall be entitled to family allowances in accordance with the provisions in force in Uruguay for the officials of the Ministry in charge of the postal service. Payment of the allowances shall be charged to the budget of the Office.

3. The retirements and pensions of the personnel of the Office shall be paid from the special fund designated by the said Office for that purpose. In case such fund should turn out to be insufficient, they shall be paid in accordance with Sections 3 and 4 of Article 15 of the Convention.

4. The conditions, amounts, and other guarantees of such retirements and pensions shall be governed by the provisions of the Regulations issued by the Superior Government of Uruguay on March 20, 1942, and in matters not provided for therein, by the provisions of the laws on annuities and retirement benefits in force in Uruguay for the public officials of the Central Administration.

5. The Office of Civil Retirements and Pensions shall proceed, without further formality, to amend the files of the retired and pensioned persons whose pensions were determined on the basis of former salaries whenever there is a change in the salaries assigned to the personnel of the Office, taking into consideration the category of the work performed by the beneficiary or retiree at the time of retirement, with a 15% reduction of the result thus obtained.

Art. 108. Incompatibilities. The officials of the International Office of the Union cannot assume any other lucrative activities except with the consent of the supervisory authority. That authorization shall not be granted if those additional occupations interfere with the normal fulfillment of their obligations in the International Office.

Chapter II – International Transfer Office

Art. 109. Appointment and removal of officials. 1. The Director of the International Transfer Office shall be appointed by the Government of the Republic of Panama, after consultation with the member countries, and from among the candidates proposed by the latter.

2. The personnel of the Office shall be appointed by the Direction of Posts and Telecommunications of Panama. It shall be irremovable, in accordance with the provisions established in the matter by the Regulations of the Office.

Art. 110. Retirements and pensions. The personnel of the Office shall have the same rights and obligations as those which the laws of the Republic of Panama may establish or have established with regard to retirements and pensions applicable to the employees of the Direction of Posts and Telecommunications.

Art. 111. Operation of the Office. The International Transfer Office shall operate in accordance with its Regulations, which shall be revised at each Congress by a Committee composed of the Director of the International Office of the Union, the delegate of the Republic of Panama, and the delegates of the Postal Administrations using the service which may desire to be represented on same.

Chapter III – Expenses of the Union

Art. 112. Expenses of the International Office of the Union. 1. The ordinary expenses may not exceed the amount of 110,000 Uruguayan pesos per annum, said amount to include the contributions for the establishment of a fund for the retirement of the personnel of same.

2. The extraordinary expenses shall be determined in each instance by the Ministry in charge of the postal service of the Oriental Republic of Uruguay, in agreement with the Direction of the International Office of the Union.

3. The expenses occasioned by the technical assistance and legal advice indicated in Article 13 of the Convention shall be defrayed by those requesting such services.

Art. 113. Apportionment of the expenses. 1. For purposes of apportionment of the expenses, the countries shall be divided as follows:

1st. group: Argentina, Canada, Spain, the United States of America, the United States of Brazil, and Uruguay.

2nd. group: Colombia, Costa Rica, Cuba, Chile, Mexico, Panama, Peru, and the Republic of Venezuela.

3rd. group: Bolivia, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Paraguay, and the Dominican Republic.

2. The maintenance expenses of the International Transfer Office, including the contributions intended for the establishment of a retirement fund for the personnel of same, shall be apportioned in accordance with the provisions of Article 15, Section 7, of the Convention.

Art. 114. Supervision and advances. 1. The Ministry in charge of the postal service of Uruguay shall supervise the expenses of the Inter-

national Office of the Union and advance it the funds which the latter may need.

2. The Direction General of Posts and Telecommunications of Panama shall do the same with regard to the International Transfer Office.

Art. 115. Preparation of accounts. The Ministry in charge of the postal service of Uruguay shall prepare annually the account of the expenses of the International Office of the Union, and the Direction of Posts and Telecommunications of Panama shall do the same, quarterly, with regard to the expenses of the International Transfer Office.

Art. 116. Payment of advances. 1. The amounts advanced by the Ministry in charge of the postal service of Uruguay and the Postal Administration of Panama shall be paid by the debtor Postal Administrations as soon as possible and, at the latest, before the expiration of six months from the date on which the country concerned receives the account.

2. After that date, the amounts owed shall draw interest at the rate of five per cent per annum, counting from the date of expiration of the said period.

3. The member countries bind themselves to include in their budgets an annual amount intended to provide for the punctual payment of the quotas accruing to them.

Chapter IV – Settlement of accounts

Art. 117. Compensation of accounts and settlement of balances. 1. Without prejudice to the methods established in the universal postal legislation, the Postal Administrations of the member countries may cancel by set-off the debtor and creditor balances pertaining to the various services, including that of Telecommunications, if it is directly or indirectly under their jurisdiction; otherwise, prior agreement is required.

2. In case a payment is made under any of the methods established, the Administrations are obligated to give notice of such payment, furnishing the creditor Administration the information relative to same, while the latter must acknowledge receipt and, in case of set-off of balances, express its concurrence, at the earliest moment possible.

3. All accounts between the Administrations may be cleared annually through the International Office of the Union, the debtor balances to be settled as soon as possible within the period of three months from the date on which the country concerned receives the balance sheet.

Chapter V

Art. 118. Domestic postage rates and equivalents. 1. The Administrations shall establish the equivalents in gold francs of their domestic postage rates or of the rates established for the Americano-Spanish regime. They shall also establish the coefficient of conversion of the gold franc into the currency of their country.

2. The equivalents or changes of equivalents shall enter into force only on the first of a month and, at the earliest, fifteen days after their notification by the International Office of the Union, to which the Administrations concerned must transmit the respective communications.

Art. 119. Period for retention of documents. The documents of the international service must be kept for a minimum period of two years, counting from the day following the date of such documents. Documents concerning a dispute or claim must be kept until the matter is settled.

Art. 120. Telegraphic addresses. 1. The telegraphic addresses for communications exchanged by the Administrations with one another shall be those designated in the Regulations of Execution of the Convention of the Universal Postal Union.

2. The telegraphic address of the International Office of the Union is: "UPAE", Montevideo.

3. The telegraphic address of the International Transfer Office is: "Oitrans"-Panama.

SECOND PART

PROVISIONS RELATIVE TO ARTICLES OF CORRESPONDENCE

Chapter I – Conditions for acceptance

Art. 121. Articles liable to customs intervention. 1. Use of the C 1 label established in the universal postal legislation is obligatory in the case of articles of correspondence whose contents are liable to the payment of customs duties in the country of destination. Use of the C 2 declaration is optional for the aforementioned articles.

2. However, for unsealed articles, except small packets, the use of neither of the forms mentioned in the preceding Section is obligatory, without prejudice to the intervention of the customs service of the country of destination.

Art. 122. Diplomatic and consular correspondence. Diplomatic and consular correspondence must bear the following indications: the name of the Embassy, Legation, or Consulate which is sending it, and the conspicuous inscription of "Correspondencia diplomática" (Diplomatic correspondence) or "Correspondencia consular" (Consular correspondence), in addition to the declaration "Libre de Porte" (Postage Free), which shall appear below the aforementioned inscription. Such articles shall be authenticated by the imprint of the Embassy, Legation, or Consulate seal.

Art. 123. Diplomatic pouches. 1. Diplomatic pouches may not weigh more than 20 kilograms nor exceed the following dimensions: length, width, and height, combined, 140 centimeters, but the greatest dimension may not exceed 60 centimeters.

2. The diplomatic pouches shall be provided with locks, padlocks, or other suitable safety devices.

3. These pouches shall be mailed at the post office as registered articles.

4. Diplomatic pouches shall preferably be dark green in color, in order to facilitate their correct and rapid handling.

Chapter II – Exchange of correspondence

Art. 124. Exchange of mails. 1. The Administrations of the member countries may send to one another reciprocally, through the intermediary

of one or more of them, both closed mails as well as correspondence in open mail, under the conditions established in the Universal postal legislation.

2. The labels of the sacks shall always show the number of the dispatch to which they belong, and when the latter consists of several sacks, there shall be noted on the label, in addition to the number of the dispatch, the total number of sacks of which the latter is composed.

Art. 125. Transmission of diplomatic pouches. 1. Diplomatic pouches shall be forwarded by the same routes as those used by the dispatching Administration for the transmission of its correspondence to the Administration of destination.

2. The dispatching exchange office shall enter in the column "Observaciones" (Observations) of the special list of registered articles the words "Valija diplomática" (Diplomatic pouch) and the number of these, if there are several.

3. Said transmission shall be announced by means of a notation made on the letter bill of the dispatch containing it.

Art. 126. Empty sacks. The sacks utilized by the Administrations for the dispatch of correspondence shall be returned empty by the exchange offices of destination to those of origin, in the manner prescribed by the Universal postal legislation. However, the Administrations may come to an agreement with one another about using them for the dispatch of their own correspondence.

Chapter III – Transit

Art. 127. Statistics of transit charges. The dispatches exchanged in accordance with the provisions of Article 42 of the Convention shall not be included in statistical operations by intermediary countries, except by agreements between the countries concerned. The Administrations of origin shall conform to the provisions of the Universal postal legislation when dispatches are addressed to countries outside the Union, or, even when their destination is a member country, if the dispatches have to pass in transit through third services foreign to the Union.

Art. 128. Accounts for transit charges. 1. When the intermediary Administrations have to collect from those of origin the transit charges of the correspondence, they shall prepare the respective accounts without exceeding in any case the charges established by the Convention of the Universal Postal Union and in accordance with the rules established in its Regulations of Execution.

2. In all cases the number and date of dispatch of the mail from origin and the receiving route must be indicated.

THIRD PART

FINAL PROVISIONS

Art. 129. Effective date and duration of the Regulations. The present Regulations shall become effective on the same date as the Convention and shall have the same duration as the latter.

In the City of Bogotá, capital of the Republic of Colombia, on the ninth day of the month of November, 1955.

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SCIENTIFIC COUNCIL FOR AFRICA SOUTH OF THE SAHARA

**See Commission for Technical Co-operation in Africa
South of the Sahara**

SOUTHEAST ASIA TREATY ORGANIZATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Southeast Asia Collective Defense Treaty and the Pacific Charter were drawn up at the Manila Conference on September 6–8, 1954 by the Governments of Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom and the United States. The Treaty came into effect on February 19, 1955; in accordance with Article 9, upon ratification by a majority of the signatories.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Council, established by the Treaty,¹ consults regarding matters concerning the implementation of the Treaty. The parties to the Treaty undertake to settle international disputes by peaceful means and to maintain and develop, by self-help and mutual aid, their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without.² The Pacific Charter, drawn up on September 8, 1954, proclaims the principles of equal rights and self-determination and the intention of the parties to co-operate in the economic, social and cultural fields.

ORGANS

The Treaty establishes a Council composed of representatives of all the parties to the Treaty organized so as to be able to meet at any time.³ There is also a Military Planning Office and a Secretary-General.

MEMBERSHIP

The members are Australia, France, New Zealand, Pakistan, Philippines, Thailand, the United Kingdom and the United States, all of whom

¹ Treaty, Art. 5.

² Id., Art. 1, 2.

³ Id., Art. 5.

deposited their ratifications on February 19, 1955 with the exception of Thailand which ratified on December 2, 1954.

MEANS OF FINANCIAL SUPPORT

The organization is supported by contributions of members.

HEADQUARTERS

The headquarters are at Rajadamnern Avenue, Bangkok.

SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY

September 8, 1954

The parties to this treaty,

Recognizing the sovereign equality of all the parties,

Reiterating their faith in the purposes and principles set forth in the Charter of the United Nations and their desire to live in peace with all peoples and all Governments,

Reaffirming that, in accordance with the Charter of the United Nations, they uphold the principle of equal rights and self-determination of peoples and declaring that they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities,

Intending to declare publicly and formally their sense of unity, so that any potential aggressor will appreciate that the parties stand together in the area, and

Desiring further to co-ordinate their efforts for collective defense for the preservation of peace and security,

Therefore agree as follows:—

Art. 1. The parties undertake, as set forth in the charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Art. 2. In order effectively to achieve the objectives of this treaty, the parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability.

Art. 3. The parties undertake to strengthen their free institutions and to co-operate with one another in the further development of economic measures, including technical assistance, designed both to promote economic progress and social well-being and to further the individual and collective efforts of Governments toward these ends.

Art. 4. 1. Each party recognizes that aggression by means of armed attack in the treaty area against any of the parties or against any State or territory which the parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any party in the treaty area or of any other state or territory to which the provisions of paragraph 1 of this article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

3. It is understood that no action on the territory of any state designated by unanimous agreement under paragraph 1 of this article or on any territory so designated shall be taken except at the invitation or with the consent of the Government concerned.

Art. 5. The parties hereby establish a council, on which each of them shall be represented, to consider matters concerning the implementation of this treaty. The council shall provide for consultation with regard to military and any other planning as the situation obtaining in the treaty area may from time to time require. The council shall be so organized as to be able to meet at any time.

Art. 6. This treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of any of the parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security. Each party declares that none of the international engagements now in force between it and any other of the parties or any third party is in conflict with the provisions of this treaty, and undertakes not to enter into any international engagement in conflict with this treaty.

Art. 7. Any other State in a position to further the objectives of this treaty and to contribute to the security of the area may, by unanimous agreement of the parties, be invited to accede to this treaty. Any State so invited may become a party to the treaty by depositing its instrument of accession with the Government of the Republic of the Philippines. The Government of the Republic of the Philippines shall inform each of the parties of the deposit of each such instrument of accession.

Art. 8. As used in this treaty, the "treaty area" is the general area of Southeast Asia, including also the entire territories of the Asian parties, and the General Area of the Southwest Pacific not including the Pacific Area North of 21 Degrees 30 minutes north latitude. The parties may, by unanimous agreement amend this article to include within the treaty area the territory of any State acceding to this treaty in accordance with article seven or otherwise to change the treaty Area.

Art. 9. 1. This treaty shall be deposited in the archives of the Government of the Republic of the Philippines. Duly certified copies thereof shall be transmitted by that Government to the other signatories.

2. The treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the Republic of the Philippines, which shall notify all of the other signatories of such deposit.

3. The treaty shall enter into force between the States which have ratified it as soon as the instruments of ratification of a majority of the signatories shall have been deposited, and shall come into effect with respect to each other State on the date of the deposit of its instrument of ratification.

Art. 10. This treaty shall remain in force indefinitely, but any party may cease to be a Party one year after its notice of denunciation has been given to the Government of the Republic of the Philippines, which shall inform the Governments of the other parties of the deposit of each notice of denunciation.

Art. 11. The English text of this treaty is binding on the parties, but when the parties have agreed to the French text thereof and have so notified the Government of the Republic of the Philippines, the French text shall be equally authentic and binding on the parties.

Understanding of the United States of America,

The delegation of the United States of America in signing the present treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in article 4, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of article 4, paragraph 2.

In witness thereof, the undersigned plenipotentiaries have signed this treaty.

Done at Manila, this eighth day of September, 1954.

PROTOCOL

Designations of States and territory as to which provisions of article four and article three are to be applicable.

The parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of article four of the treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Viet Nam.

The parties further agree that the above mentioned States and territory shall be eligible in respect of the economic measures contemplated by article three.

This protocol shall come into force simultaneously with the coming into force of the treaty.

PACIFIC CHARTER

September 8, 1954

The delegates of Australia, Great Britain, France, New Zealand, Pakistan, Thailand, the Philippines and the United States, desiring to establish a firm basis for common action to maintain peace and security in Southeast Asia and the Southwest Pacific,

Convinced that common action to this end, in order to be worthy and effective, must be inspired by the highest principles of justice and liberty,

Do hereby proclaim:—

First, in accordance with the provisions of the United Nations charter, they uphold the principle of equal rights and self-determination of peoples and they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities.

Second, they are each prepared to continue taking effective practical measures to ensure conditions favorable to the orderly achievement of the foregoing purposes in accordance with their constitutional procedures.

Third, they will continue to co-operate in the economic, social and cultural fields in order to promote higher living standards, economic progress and social well-being in this region:

Fourth, as declared in the South East Asia Collective Defense Treaty, they are determined to prevent or counter by appropriate means any attempt in the treaty area to subvert their freedom or to destroy their sovereignty or territorial integrity.

BIBLIOGRAPHY

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SOUTH PACIFIC COMMISSION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Agreement establishing the South Pacific Commission was signed by the representatives of six governments on February 6, 1947. It was drafted at a Conference convened at Canberra in January 1947 for the purpose of preparing an agreement for the establishment of such a regional commission. The Conference was attended by Delegations from Australia, France, the Netherlands, New Zealand, the United Kingdom, and the United States of America. The Agreement came into force on July 29, 1948, when all signatories had deposited their acceptances.

The geographical area in which the Commission operates is about 7,000 miles from east to west and 4,000 miles from north to south, extending from Dutch New Guinea in the west to French Polynesia in the east, and from the Marianas in the north to Norfolk Island in the south. The territorial scope of the Agreement was extended so as to include Guam and the Trust Territory of the Pacific Islands by an Agreement signed on November 7, 1951, which entered into force on the same date.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The Commission acts as a consultative and advisory body to the participating governments in matters affecting the economic and social development of the non-self-governing territories within the scope of the Commission and the welfare and advancement of their peoples.

Its powers and functions, as set forth in the Agreement, are (a) to study, formulate, and recommend measures for the development, and where necessary the co-ordination, of services affecting the economic and social rights and welfare of the inhabitants of the territories within the scope of the Commission, particularly with respect to agriculture, communications, transport, fisheries, forestry, industry, labor, marketing, production, trade and finance, public works, education, health, housing, and social welfare; and to facilitate research, make recommendations and furnish technical assistance on economic and social matters, and to

discharge such other functions as may be agreed upon by the participating governments.¹

ORGANS

The organs are:

(1) The Commission is composed of not more than 12 Commissioners. "Each participating government may appoint two Commissioners and shall designate one of them as its Senior Commissioner."² "Senior Commissioners only shall be entitled to vote."³

(2) A Research Council composed of members appointed by the Commission.⁴

(3) The South Pacific Conference composed of delegates appointed for each territory within the scope of the Commission "selected in such a manner as to insure the greatest possible measure of representation of the local inhabitants of the territory."⁵ The Conference serves as an advisory body auxiliary to the Commission.⁶

(4) The Secretariat.⁷

MEMBERSHIP

The members are Australia, France, Netherlands, New Zealand, United Kingdom, United States.

MEANS OF FINANCIAL SUPPORT

The expenses are apportioned among the members in proportions ranging from 30% for Australia to 12 $\frac{1}{2}$ % each for the United States and France.⁸ The organization also receives funds from certain Foundations and through the Expanded Program of Technical Assistance (UN and Specialized Agencies).

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Commission co-operates with the United Nations Technical Assistance Board, with FAO, WHO and UNESCO.

HEADQUARTERS

The headquarters are at the Pentagon, Anse Vata, Noumea, New Caledonia.

¹ Agreement, Art. 4.

² Id., Art. 3.

³ Id., Art. 5.

⁴ Id., Art. 7.

⁵ Id., Arts. 9-11.

⁶ Id., Art. 9.

⁷ Id., Art. 13.

⁸ Id., Art. 14, par. 49.

AGREEMENT ESTABLISHING THE SOUTH PACIFIC COMMISSION¹

February 6, 1947

The Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, (hereinafter referred to as "the participating Governments"),

Desiring to encourage and strengthen international co-operation in promoting the economic and social welfare and advancement of the peoples of the non-self-governing territories in the South Pacific region administered by them,

Have, through their duly authorized representatives met together in Canberra, made an Agreement in the following terms:

Art. 1. Establishment of the Commission.

1. There is hereby established the South Pacific Commission (hereinafter referred to as "the Commission").

Art. 2. Territorial Scope.

2. The territorial scope of the Commission shall comprise all those non-self-governing territories in the Pacific Ocean which are administered by the participating Governments and which lie wholly or in part south of the Equator and east from and including Netherlands New Guinea.

3. The territorial scope of the Commission may be altered by agreement of all the participating Governments.

Art. 3. Composition of the Commission.

4. The Commission shall consist of not more than twelve Commissioners. Each participating Government may appoint two Commissioners and shall designate one of them as its senior Commissioner.

5. Each participating Government may appoint such alternates and advisers to its Commissioners as it considers desirable.

Art. 4. Powers and Functions.

6. The Commission shall be a consultative and advisory body to the participating Governments in matters affecting the economic and social development of the non-self-governing territories within the scope of the Commission and the welfare and advancement of their peoples. To this end, the Commission shall have the following powers and functions:—

(a) to study, formulate and recommend measures for the development of and where necessary the co-ordination of services affecting, the economic

¹ South Seas Commission Conference Papers, p. 18.

and social rights and welfare of the inhabitants of the territories within the scope of the Commission, particularly in respect of agriculture (including animal husbandry), communications, transport, fisheries, forestry, industry, labour, marketing, production, trade and finance, public works, education, health, housing and social welfare;

(b) to provide for and facilitate research in technical, scientific, economic and social fields in the territories within the scope of the Commission and to ensure the maximum co-operation and co-ordination of the activities of research bodies;

(c) to make recommendations for the co-ordination of local projects in any of the fields mentioned in the previous sub-paragraphs which have regional significance and for the provision of technological assistance from a wider field not otherwise available to a territorial administration;

(d) to provide technical assistance, advice and information (including statistical and other material) for the participating Governments;

(e) to promote co-operation with non-participating Governments and with non-governmental organisations of a public or quasi-public character having common interests in the area, in matters within the competence of the Commission;

(f) to address inquiries to the participating Governments on matters within its competence;

(g) to make recommendations with regard to the establishment and activities of auxiliary and subsidiary bodies.

7. The Commission may discharge such other functions as may be agreed upon by the participating Governments.

8. The Commission may make such administrative arrangements as may be necessary for the exercise of its powers and the discharge of its functions.

9. With a view to facilitating the inauguration of the work of the Commission in matters immediately affecting the economic and social welfare of the local inhabitants of the territories within the scope of the Commission, the Commission shall give early consideration to the projects set forth in the resolution (appended to this Agreement) relating to important immediate projects adopted by the South Seas Conference at Canberra, Australia, on February 6, 1947.

10. The participating Governments undertake to secure such legislative and administrative provision as may be required to ensure that the Commission will be recognized in their territories as possessing such legal capacity and as being entitled to such privileges and immunities (including the inviolability of its premises and archives) as are necessary for the independent exercise of its powers and discharge of its functions.

Art. 5. Procedure of the Commission.

11. Irrespective of the place of meeting, each senior Commissioner shall preside over sessions of the Commission in rotation, according to the English alphabetical order of the participating Governments.

12. The Commission may meet at such times and in such places as it may determine. It shall hold two regular sessions in each year, and such further sessions as it may decide.

13. At a meeting of the Commission two-thirds of all the senior Commissioners shall constitute a quorum.

14. The decisions of the Commission shall be taken in accordance with the following rules: —

- (a) senior Commissioners only shall be entitled to vote,
- (b) procedural matters shall be decided by a majority of the senior Commissioners present and voting;
- (c) decisions on budgetary or financial matters which may involve a financial contribution by the participating Governments (other than a decision to adopt the annual administrative budget of the Commission), shall require the concurring votes of all the senior Commissioners;
- (d) decisions on all other matters (including a decision to adopt the annual administrative budget of the Commission) shall require the concurring votes of two-thirds of all the senior Commissioners.

15. In the absence of a senior Commissioner, his functions shall be discharged for all purposes of this Article by the other Commissioner appointed by his Government or, in the absence of both, by an alternate designated by his Government or the senior Commissioner.

16. The Commission may appoint Committees and, subject to the provisions of this Agreement, may promulgate rules of procedure and other regulations governing the operations of the Commission, of its auxiliary and subsidiary bodies and such Committees as it shall establish, and of the Secretariat and generally for the purpose of carrying into effect the terms of this Agreement.

17. The official languages of the Commission and its auxiliary and subsidiary bodies shall include English and French.

18. The Commission shall make to each of the participating Governments, and publish, an annual report on its activities, including those of its auxiliary and subsidiary bodies.

Art. 6. Research Council.

19. In view of the special importance of research for the carrying out of the purposes of the Commission, there shall be established a Research Council which shall serve as a standing advisory body auxiliary to the Commission.

Art. 7. Composition of the Research Council.

20. Members of the Research Council shall be appointed by the Commission on such terms and conditions as the Commission may decide.

21. (a) The Commission shall appoint, as members of the Research Council, such persons distinguished in the fields of research within the competence of the Commission as it considers necessary for the discharge of the Council's functions;

(b) Among the members of the Council so appointed there shall be a small number of persons highly qualified in the several fields of health, economic development and social development who shall devote their full time to the work of the Research Council.

22. The Research Council shall elect a Chairman from its members.

23. The Commission shall appoint a full-time official who shall direct research and be charged with the general responsibility for supervising the execution of the programme of the Research Council. He shall be, *ex officio*, a member and the Deputy Chairman of the Council and, subject to

the directions of the Commission, shall be responsible for arranging and facilitating co-operative research, for arranging and carrying out research projects of a special nature, for collecting and disseminating information concerning research and for facilitating the exchange of experience among research workers of the area. He shall be responsible to the Secretary-General for all administrative matters connected with the work of the Research Council and of its Committees.

24. In all technical matters full-time members shall be under the direction of the Deputy Chairman of the Research Council. In all administrative matters they shall be responsible to the Secretary-General.

25. Recommendations of the Research Council in connection with research projects to be undertaken shall be first submitted to the Commission for approval.

Art. 8. Functions of the Research Council.

26. The functions of the Research Council shall be:—

(a) to maintain a continuous survey of research needs in the territories within the scope of the Commission and to make recommendations to the Commission on research to be undertaken;

(b) to arrange, with the assistance of the Secretary-General, for the carrying out of the research studies approved by the Commission, using existing institutions where appropriate and feasible;

(c) to co-ordinate the research activities of other bodies working within the field of the Commission's activities and, where possible, to avail itself of the assistance of such bodies;

(d) to appoint technical standing research committees to consider problems in particular fields of research;

(e) to appoint, with the approval of the Commission, *ad hoc* research committees to deal with special problems;

(f) to make to each session of the Commission a report of its activities.

Art. 9. The South Pacific Conference.

27. In order to associate with the work of the Commission representatives of the local inhabitants of, and of official and non-official institutions directly concerned with, the territories within the scope of the Commission, there shall be established a South Pacific Conference with advisory powers as a body auxiliary to the Commission.

Art. 10. Sessions of the Conference.

28. A session of the South Pacific Conference shall be convoked within two years after this Agreement comes into force, and thereafter at intervals not exceeding three years.

29. Each session of the Conference shall be held in one of the territories within the scope of the Commission at a place designated by the Commission with due regard to the principle of rotation.

30. The Chairman of each session of the Conference shall be one of the Commissioners of the Government in whose territory the session is held.

31. The Secretary-General shall be responsible for the administrative arrangements of the Conference.

32. The Commission shall adopt rules of procedure for the Conferences

and approve the agenda for each session of the Conference. The Secretary-General shall prepare the necessary documents for consideration by the Commission.

33. The Conference may make recommendations to the Commission on procedural questions affecting its sessions. It may also recommend to the Commission the inclusion of specific items on the agenda for the Conference.

Art. 11. Composition of the Conference.

34. Delegates to the Conference shall be appointed for each territory which is within the scope of the Commission, and which is designated for this purpose by the Commission. The maximum number of delegates for each territory shall be determined by the Commission. In general, the representation shall be at least two delegates for each designated territory.

35. Delegates shall be selected in such a manner as to ensure the greatest possible measure of representation of the local inhabitants of the territory.

36. Delegates shall be appointed for each designated territory in accordance with its constitutional procedure.

37. The delegations for each designated territory may include alternate delegates and as many advisers as the appointing authority considers necessary.

Art. 12. Functions of the Conference.

38. The Conference may discuss such matters of common interest as fall within the competence of the Commission, and may make recommendations to the Commission on any such matters.

Art. 13. The Secretariat.

39. The Commission shall establish a Secretariat to serve the Commission and its auxiliary and subsidiary bodies.

40. The Commission shall, subject to such terms and conditions as it may prescribe, appoint a Secretary-General and a Deputy Secretary-General. They shall hold office for five years unless their appointments are earlier terminated by the Commission. They shall be eligible for re-appointment.

41. The Secretary-General shall be the chief administrative officer of the Commission and shall carry out all directions of the Commission. He shall be responsible for the functioning of the Secretariat, and shall be empowered, subject to such directions as he may receive from the Commission, to appoint and dismiss, as necessary, members of the staff of the Secretariat.

42. In the appointment of the Secretary-General, the Deputy Secretary-General and the staff of the Secretariat, primary consideration shall be given to the technical qualifications and personal integrity of candidates. To the fullest extent consistent with this consideration, the staff of the Secretariat shall be appointed from the local inhabitants of the territories within the scope of the Commission and with a view to obtaining equitable national and local representation.

43. Each participating Government undertakes so far as possible under its constitutional procedure to accord to the Secretary-General, to the Deputy Secretary-General, to the full time members of the Research Council and to appropriate members of the staff of the Secretariat such privileges and immunities as may be required for the independent discharge of their functions. The Commission may make recommendations with a view to determining the details of the application of this paragraph or may propose conventions to the participating Governments for this purpose.

44. In the performance of their duties, the Secretary-General, the Deputy Secretary-General, the full time members of the Research Council and the staff of the Secretariat shall not seek or receive instructions from any Government or from any other authority external to the Commission. They shall refrain from any action which might reflect on their position as international officials responsible only to the Commission.

45. Each participating Government undertakes to respect the exclusively international character of the responsibilities of the Secretary-General, the Deputy Secretary-General, the full time members of the Research Council, and the staff of the Secretariat, and not to seek to influence them in the discharge of their responsibilities.

Art. 14. *Finance.*

46. The Commission shall adopt an annual budget for the administrative expenses of the Commission and its auxiliary and subsidiary bodies, and such supplementary budgets as it may determine. The Secretary-General shall be responsible for preparing and submitting to the Commission for its consideration the annual administrative budget and such supplementary budgets as the Commission may require.

47. Except for the salaries, allowances and miscellaneous expenditures of the Commissioners and their immediate staffs, which shall be determined and paid by the respective Governments appointing them, the expenses of the Commission and its auxiliary and subsidiary bodies (including the expenses of delegates to the South Pacific Conference on a scale approved by the Commission) shall be a charge on the funds of the Commission.

48. There shall be established, to meet the expenses of the Commission, a fund to which each participating Government undertakes, subject to the requirements of its constitutional procedure, to contribute promptly its proportion of the estimated expenditure of the Commission, as determined in the annual administrative budget and in any supplementary budgets adopted by the Commission.

49. The expenses of the Commission and its auxiliary and subsidiary bodies shall be apportioned among the participating Governments in the following proportions:—

Australia	30%
France	12½%
The Netherlands	15%
New Zealand	15%
United Kingdom of Great Britain and Northern Ireland	15%
United States of America	12½%

Before the close of its second fiscal year, the Commission shall review the apportionment of expenses and recommend to the participating Governments such adjustments as it considers desirable. Adjustments may at any time be made by agreement of all the participating Governments.

50. The fiscal year of the Commission shall be the calendar year.

51. Subject to the directions of the Commission, the Secretary-General shall be responsible for the control of the funds of the Commission and of its auxiliary and subsidiary bodies and for all accounting and expenditure. Audited statements of accounts for each fiscal year shall be forwarded to each participating Government as soon as possible after the close of the fiscal year.

52. The Secretary-General, or an officer authorized by the Commission to act as Secretary-General pending the appointment of the Secretary-General, shall at the earliest practicable date after the coming into force of this Agreement submit to the Commission an administrative budget for the current fiscal year and any supplementary budgets which the Commission may require. The Commission shall thereupon adopt for the current fiscal year an administrative budget and such supplementary budget as it may determine.

53. Pending adoption of the first budget of the Commission, the administrative expenses of the Commission shall be met, on terms to be determined by the Commission, from an initial working fund of £ 40,000 sterling to which the participating Governments undertake to contribute in the proportions provided for in paragraph 49 of this Agreement.

54. The Commission may in its discretion accept for inclusion in its first budget any expenditure incurred by the Governments of Australia or New Zealand for the purpose of paragraph 64 of this Agreement. The Commission may credit any such expenditure against the contribution of the Government concerned. The aggregate of the amounts which may be so accepted and credited shall not exceed £ 5,000 sterling.

Art. 15. Relationship with other International Bodies.

55. The Commission and its auxiliary and subsidiary bodies, while having no organic connection with the United Nations, shall co-operate as fully as possible with the United Nations and with appropriate specialized agencies on matters of mutual concern within the competence of the Commission.

56. The participating Governments undertake to consult with the United Nations and the appropriate specialized agencies at such times and in such manner as may be considered desirable, with a view to defining the relationship which may in future exist and to ensuring effective co-operation between the Commission, including its auxiliary and subsidiary bodies, and the appropriate organs of the United Nations and specialized agencies dealing with economic and social matters.

57. The Commission may make recommendations to the participating Governments as to the manner in which effect can best be given to the principles stated in this Article.

Art. 16. Headquarters.

58. The permanent headquarters of the Commission and its auxiliary and subsidiary bodies shall be located within the territorial scope of the Commission at such place as the Commission may select. The Commission may establish branch offices and, except as otherwise provided in this Agreement, may make provision for the carrying on of any part of its work or the work of its auxiliary and subsidiary bodies at such place or places within or without the territorial scope of the Commission as it considers will most effectively achieve the objectives for which it is established. The Commission shall select the site of the permanent headquarters within six months after this Agreement comes into force. Pending the establishment of its permanent headquarters, it shall have temporary headquarters in or near Sydney, Australia.

Art. 17. Saving Clause.

59. Nothing in this Agreement shall be construed to conflict with the existing or future constitutional relations between any participating Government and its territories or in any way to affect the constitutional authority and responsibility of the territorial administrations.

Art. 18. Alteration of Agreement.

60. The provisions of this Agreement may be amended by consent of all the participating Governments.

Art. 19. Withdrawal.

61. After the expiration of five years from the coming into force of this Agreement a participating Government may withdraw from the Agreement on giving one year's notice to the Commission.

62. If any participating Government ceases to administer non-self-governing territories within the scope of the Commission, that Government shall so notify the Commission and shall be deemed to have withdrawn from the Agreement as from the close of the then current calendar year.

63. Notwithstanding the withdrawal of a participating Government this Agreement shall continue in force as between the other participating Governments.

Art. 20. Interim Provisions.

64. Preliminary arrangements for the establishment of the Commission shall be undertaken jointly by the Governments of Australia and New Zealand.

Art. 21. Entry into Force.

65. The Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall become parties to this Agreement by—

- (a) signature without reservation or,
- (b) signature *ad referendum* and subsequent acceptance.

Acceptance shall be effected by notification to the Government of Australia. The Agreement shall enter into force when all the above-mentioned Governments have become parties to it.

66. The Government of Australia shall notify the other above-mentioned Governments of each acceptance of this Agreement, and also of the date on which the Agreement comes into force.

67. The Government of Australia shall on behalf of all the participating Governments register this Agreement with the Secretariat of the United Nations in pursuance of Article 102 of the Charter of the United Nations.

This Agreement, of which the English, French and Netherlands texts are equally authentic, shall be deposited in the archives of the Government of Australia. Duly certified copies thereof shall be transmitted by the Government of Australia to the other participating Governments.

IN WITNESS WHEREOF the duly authorized representatives of the respective participating Governments have signed this Agreement.

Opened in Canberra for signature on the sixth day of February One thousand nine hundred and forty seven.

AGREEMENT EXTENDING THE TERRITORIAL SCOPE OF THE SOUTH PACIFIC COMMISSION

November 7, 1951

The Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Desiring to extend the territorial scope of the South Pacific Commission, and

Considering that Article 2 of the agreement establishing the South Pacific Commission opened for signature at Canberra on February 6, 1947, provides that the territorial scope of the Commission may be altered by agreement of all the participating Governments,

Have agreed as follows:

Art. 1. The territorial scope of the South Pacific Commission shall be extended to comprise, in addition to the territories described in Article 2 of the agreement establishing the South Pacific Commission of February 6, 1947, Guam and the Trust Territory of the Pacific Islands, as defined by Article 1 of the Trusteeship Agreement approved by the Security Council of the United Nations on April 2, 1947.

Art. 2. The present agreement shall come into force upon the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed the present agreement.

DONE at Noumea this seventh day of November, 1951, in the English, French, and Netherlands languages, each equally authentic, the original of which shall be deposited in the archives of the Government of Australia. The Government of Australia shall transmit certified copies thereof to all the other signatory Governments.

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TRIPARTITE COMMISSION FOR THE RESTITUTION OF MONETARY GOLD

See Inter-Allied Reparations Agency

UNITED NATIONS

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Charter of the United Nations was signed on June 26, 1945, at a Conference on International Organization convened in San Francisco on April 25, 1945. The Charter entered into force on October 24, 1945 after twenty nine States, including China, France, the USSR, the United Kingdom and the United States had deposited ratifications with the government of the United States in accordance with Article 110 of the Charter.

Fifty-five nations participated in the establishment of this organization. The intention to take such action was forecast in a declaration at Washington by the then twenty six states of the anti-Axis coalition on January 1, 1942, which endorsed the Atlantic Charter of August 14, 1941. This was followed by the Moscow Declaration of the Four Nations (China, USSR, UK and USA) on General Security of November 1, 1943, which referred to "the necessity of establishing at the earliest practicable date a general international organization based on the principle of the sovereign equality of all peace loving States and open to membership by all such States, large and small, for the maintenance of international peace and security", and, on December 1, 1943, by the Teheran Declaration.

Preliminary conversations on international organization were held in Washington at a Conference at Dumbarton Oaks in October, 1944, where the general outline of the organization was decided upon.

Following ratification of the Charter, a United Nations Preparatory Commission was established which sat in London in the fall of 1945 to make provisional arrangements for the first sessions of the organs, for the establishment of the Secretariat and for the organization of the International Court of Justice. It was also charged with the formulation of recommendations respecting the possible transfer of certain functions, activities and assets of the League of Nations to the new Organization.

The League property and records were turned over to the new Organization, together with certain of its activities such as those in connection with narcotic drugs.¹

¹ See below. Another organization whose work was transferred (by its own decision of August 11, 1952) to the UN was the Central Bureau of the International Map of the World on the millionth scale.

The International Court of Justice, in discussing the judicial nature of the United Nations said in an advisory opinion rendered April 11, 1949, that it is neither a "super-state" nor a "state", but that it is an "entity possessing objective international personality and not merely personality recognized by" its member states alone. The International Court of Justice has also described the United Nations as "at present the supreme type of international organization".¹ The Charter declares that "in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail".²

The United Nations claims jurisdiction over not only its own members but also over non-members "so far as may be necessary for the maintenance of international peace and security."³

There are provisions for suspension⁴ and for expulsion⁵ of members. There are no provisions authorizing withdrawal.

FUNCTIONS AND POWERS

The purposes of the United Nations are to maintain international peace and security, to develop friendly relations among nations based upon respect for the principle of equal rights and self-determination of peoples, to achieve international co-operation in solving international problems of an international economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all, and to be a center for harmonizing the actions of nations in the attainment of these common ends.⁶

The Charter states in its preamble that the "peoples of the United Nations" are "determined to save succeeding generations from the scourge of war," "to reaffirm faith in fundamental human rights" and "in the dignity and worth of the human person," "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained," and "to promote social progress and better standards of life with larger freedom;" and for these ends "to practice tolerance and live together in peace with one another as good neighbors," and "to unite our strength to maintain international peace and security," and "to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest," and "to employ international machinery for the promotion of the economic and social advancement of all peoples."

The members agree to refrain in their international relations from the

¹ Report of Judgments, Advisory Opinions and Orders; Advisory Opinion of April 11, 1945, p. 179.

² Charter, Art. 103.

³ *Id.*, Art. 2.

⁴ *Id.*, Art. 5.

⁵ *Id.*, Art. 6.

⁶ *Id.*, Art. 1.

threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations and to give the United Nations every assistance in any action it takes in accordance with the present Charter and to refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.¹

Other functions of the United Nations as laid down in the Charter are:

(1) In the case of the General Assembly, the consideration of general principles of international peace and security including disarmament and the regulation of armaments, of questions relating to the maintenance of international peace and security which are brought before it and of situations likely to endanger such peace and security,² the encouragement of international co-operation in the political field and the development of international law and its codification.³

(2) In the case of the Security Council, the investigation of disputes and recommendations for their pacific settlement,⁴ the taking of certain action with respect to threats to or breaches of the peace and acts of aggression.⁵

(3) In the case of the Economic and Social Council, the promotion of higher standards of living, full employment and conditions of economic and social progress and development, of solutions for international economic, social and health problems, of international cultural and educational co-operation and of observance of human rights and fundamental freedoms.⁶

(4) In the case of the Trusteeship Council, the ensurance of the advancement of the peoples in non-self governing territories, the development of self government and the promotion of constructive measures of development.⁷

The Charter expressly forbids intervention in matter essentially within the domestic jurisdiction of a state⁸ and allows the "inherent right of self-defense against armed attack".⁹ The Charter also allows for regional arrangements.¹⁰

ORGANS

The Charter provides for six "principal organs" of the United Nations as follows:¹¹

(1) The General Assembly, composed of not more than five representatives of each member of the United Nations, each member to have one vote.¹² The General Assembly meets in regular annual sessions.¹³

The Assembly has established four standing bodies to assist in its work: Board of Auditors, Investments Committee, United Nations

¹ Id., Art. 2.

² Id., Art. 11.

³ Id., Art. 13.

⁴ Id., Art. 33-38.

⁵ Id., Art. 39-51.

⁶ Id., Art. 55.

⁷ Id., Art. 73.

⁸ Id., Art. 2(7).

⁹ Id., Art. 51.

¹⁰ Id., Art. 52.

¹¹ Id., Art. 7.

¹² Id., Art. 9, 18.

¹³ Id., Art. 20.

Staff Pension Committee, International Law Commission. The functions of the last of these are to promote the progressive development of international law, i.e., the preparation of draft conventions on subjects which have not yet been regulated by international law or in regard to which the law has not yet been sufficiently developed in the practice of states; and the codification of international law, i.e. the precise formulation and systematization of rules of international law in fields where there already has been extensive state practice, precedent and doctrine.

For the major subsidiary bodies established by the General Assembly see below.

(2) The Security Council, composed of eleven members of the United Nations, five of which namely China, France, USSR, United Kingdom and the United States are permanent members.¹ The remaining six members are elected by the General Assembly for a term of two years.¹ "The Security Council shall be so organized as to be able to function continuously".²

Voting in the Security Council on all matters other than questions of procedure is by an affirmative vote of seven members, including the concurring votes of the permanent members. However, any member, whether permanent or non-permanent, must abstain from voting in any decision in a dispute to which it is a party. On questions of procedure, a decision is by an affirmative vote of any seven members.³

A Military Staff Committee, composed of the Chiefs of Staff of the five permanent members or their representatives, advises and assists the Security Council on such questions as the Council's military requirements for the maintenance of peace, the strategic direction of the armed forces placed at its disposal, the regulation of armaments and possible disarmament.⁴

(3) The Economic and Social Council, composed of eighteen members elected by the General Assembly for a term of three years,⁵ each member having one vote.⁶

The functional Commissions of the Council are those on Transport and Communications, Statistics, Population, Social Affairs, Human Rights, Status of Women, Narcotic Drugs⁷, International Commodity Trade and Technical Assistance. (For the regional commissions, see below together with other subsidiary bodies).

(4) The Trusteeship Council, composed of those members administering trust territories, any other permanent members of the Security Council which do not administer trust territories, and as many other members, elected for three year terms by the General Assembly, "as may be necessary

¹ Id., Art. 23.

² Id., Art. 28.

³ Id., Art., 27.

⁴ Id., Art. 47.

⁵ Id., Art. 61.

⁶ Id., Art., 67.

⁷ Succeeding the League of Nations Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

to ensure that the total number of members of the Trusteeship Council is equally divided between those members of the United Nations which administer trust territories and those which do not.”¹ Each member has one vote.²

(5) The International Court of Justice, which is the “principal judicial organ of the United Nations”³ and q.v. on page 1120.

(6) The Secretariat, comprising a Secretary-General, who is the chief Administrative Officer, and a staff.⁴

In addition to the “principal organs of the United Nations” the Charter says⁵ that “such subsidiary organs as may be found necessary may be established in accordance with the present Charter.”

In addition to the six “principal organs” and the “specialized agencies” there have also been created, either by resolutions of one of the principal organs or otherwise, additional bodies which appear to be in the nature of “subsidiary organs” as mentioned in Article 7, paragraph 2, including the following:

(1) *The regional economic commissions.*

The Economic and Social Council has established the Economic Commission for Europe (30 members and two countries participating on a consultative basis), the Economic Commission for Asia and the Far East (22 members and 2 associate members), the Economic Commission for Latin America (24 members), the Economic Commission for Africa (29 members and 6 associate members).

(2) *The Disarmament Commission.*

The General Assembly established this body on January 11, 1952, under the Security Council (replacing the former Atomic Energy Commission and the Commission for Conventional Armaments), with the same membership as the Security Council plus Canada. By resolution of the Assembly of November 4, 1958, the Disarmament Commission's membership (for 1959) was enlarged to include all the members of the United Nations.

(3) *Interim Co-ordinating Committee for International Commodity Arrangements*

This Committee was established in March 1947 by the Economic and Social Council and is composed of a chairman nominated by the Contracting Parties to the General Agreement on Tariffs and Trade, one member nominated by the Food and Agriculture Organization and two members nominated by the Secretary-General of the United Nations.

¹ Charter, Art. 86.

³ Id., Art. 92-96.

⁴ Id., Art. 97-101.

² Id., Art. 89.

⁵ Id., Art. 7.

(4) *The Permanent Central Opium Board and the Drug Supervisory Body*

The PCOB was established in 1928 by the International Convention on Narcotic Drugs of February 19, 1925 and the DSB in 1933 by the International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs of July 13, 1931. The enforcement of these Conventions was transferred by the League of Nations to the United Nations and the World Health Organization by a protocol signed in Paris on December 11, 1946. The PCOB is composed of eight experts appointed every five years by the Economic and Social Council and the DSB of four experts appointed one by the Economic and Social Council Committee of Narcotic Drugs, one by the PCOB and two by the World Health Organization. They are financed by a separate chapter in the United Nations budget.

(5) *The Technical Assistance Board*

The Board is a result of the Economic and Social Council Resolution on the Expanded Program of Technical Co-operation for Economic Development of Underdeveloped Countries (Resolution 222 (ix)) adopted August 1949 and approved by the General Assembly (Resolution 304 (iv)) in December 1949. It was amended by Council Resolution 433A (xiv) of June 1952. The Board is composed of the executive heads of the United Nations, International Labor Organization, Food and Agriculture Organization, UNESCO, International Civil Aviation Organization, World Health Organization, International Telecommunications Organization, the World Meteorological Organization and the International Atomic Energy Agency, and all the governments members of these bodies are invited to participate in the Program. It is financed by voluntary contributions pledged by governments to a special account established by the Secretary General of the United Nations separate from the regular budgets of the United Nations and Specialized Agencies.

(6) *United Nations Childrens Fund*¹

The Fund was established by General Assembly Resolution 57 (i) of December 11, 1946 and continued indefinitely by Resolution 802 (viii) of the General Assembly of October 6, 1953. It has an Executive Board composed of the eighteen members of the Social Committee of the Economic and Social Council plus the representatives of eight other states designated by the latter, not necessarily members of the United Nations. It is financed by voluntary contributions from governments and private sources and receives the residual assets of UNRRA.

¹ Formerly "United Nations International Children's Emergency Fund", from which came the abbreviation UNICEF. Name changed under Res. 802 (VIII) of the U.N. General Assembly, October 1953.

(7) *United Nations Emergency Force*

The Emergency Force was created in November 1956 formed of national contingents from among those voluntarily offered by 67 member states. Military personnel of any of the permanent members of the Security Council or of any country which might have a special interest in the conflict which prompted the sending of the Force are excluded.

(8) *United Nations High Commission for Refugees*

This was established by General Assembly Resolution 428 (v) of January 1, 1951 on the basis of a report submitted by the International Refugee Organization, which was terminating its existence, to the Economic and Social Council. The High Commissioner is elected by the General Assembly on the nomination of the Secretary General and is assisted by an Advisory Committee composed of the following governments and created by Economic and Social Council Resolution 383B (xiii) (1952): Australia, Austria, Belgium, Brazil, Denmark, France, Germany, Holy See, Israel, Italy, Switzerland, Turkey, United Kingdom, United States, Venezuela. It is financed from the regular budget of the United Nations and receives voluntary contributions.

(9) *United Nations Korean Reconstruction Agency*

This agency was created by a Resolution of the General Assembly of the United Nations adopted on December 1, 1950, to plan, initiate, and carry out a broad program of relief and reconstruction in Korea. It is administered by an Advisory Committee composed of five members, Canada, India, United Kingdom, United States, Uruguay.

It is financed out of the UN budget and has headquarters in Seoul, Korea (mailing address, A.P.O. 301, c/o Postmaster, San Francisco, Cal., U.S.A.).

(10) *United Nations Relief and Works Agency for Palestine Refugees in the Near East*

This agency was created by Resolution 302 (IV) of the General Assembly of the United Nations adopted December 8, 1949. It was continued by Resolution 393(V) adopted December 2, 1950. It has an Advisory Commission, composed of Belgium, Egypt, France, Jordan, Lebanon, Syria, Turkey, United Kingdom, United States, and a Director of the Agency who recommend programs to the general assembly. It is financed out of the budget of the United Nations and financial support is solicited from governments, intergovernmental organizations and private groups.¹ Its headquarters are in the UNESCO building, Beirut, Lebanon.

(11) *United Nations Special Fund*

This was established by the General Assembly on October 14, 1958 to carry the work of the technical assistance programs a step forward by seeking specifically to lay the groundwork needed to make capital in-

vestment feasible or more effective. It is operated by a Managing Director responsible to a Governing Council and financed by voluntary contributions.

MEMBERSHIP

The members are Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cambodia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Fed. of Malaya, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Mali, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Roumania, Saudi Arabia, Senegal, Somalia, Spain, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, Ukraine, Union of South Africa, USSR, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

MEANS OF FINANCIAL SUPPORT

The United Nations is supported by contributions by members as apportioned by the General Assembly. Special Funds are established for the subordinate bodies and special activities. The Special Fund for economic development was set up in 1958 for the expansion of the multilateral programs of the UN and the specialized agencies into special fields suitable for capital investment.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The Charter says that "various specialized agencies established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health and related fields shall be brought into relationship with the United Nations;"¹ and that "such agencies thus brought into relationship with the United Nations" together with new organs having a similar purpose² shall be considered "specialized agencies" of the United Nations.

The Specialized Agencies of the United Nations are the International Labor Organization, the Food and Agriculture Organization, the United Nations Educational Scientific and Cultural Organization, the International Civil Aviation Organization, the International Atomic Energy

¹ Id., Art. 57.

² Id., Art. 59.

Agency, the International Bank for Reconstruction and Development, the International Monetary Fund, the Universal Postal Union, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization, the International Maritime Consultative Organization and the International Finance Corporation. The International Development Association is in the process of becoming a specialized agency. These organizations have formal agreements with the United Nations.¹

The United Nations has relations also with other international governmental organizations (see their summaries), either directly or through one of its organs or subordinate bodies.

HEADQUARTERS

The headquarters of the United Nations are at 42nd Street and the East River, New York.

¹ See under individual listings.

CHARTER

OF THE UNITED NATIONS ¹

June 26, 1945

We the peoples of the United Nations determined

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

and for these ends

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods,

that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

have resolved to combine our efforts to accomplish these aims.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I

Purposes and Principles

Art. 1. The purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

¹ Published by the UN.

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Art. 2. The Organization and its Members, in pursuit of the purposes stated in Article 1, shall act in accordance with the following principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II

Membership

Art. 3. The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Art. 4. 1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Art. 5. A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Art. 6. A Member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III

Organs

Art. 7. 1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Art. 8. The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV

The General Assembly

COMPOSITION

Art. 9. 1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

FUNCTIONS AND POWERS

Art. 10. The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Art. 11. 1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35,

paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Art. 12. 1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Art. 13. 1. The General Assembly shall initiate studies and make recommendations for the purpose of:

(a) promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;

(b) promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Art. 14. Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the purposes and principles of the United Nations.

Art. 15. 1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Art. 16. The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapter XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Art. 17. 1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such Specialized Agencies with a view to making recommendations to the Agencies concerned.

VOTING

Art. 18. 1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Art. 19. A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it satisfied that the failure to pay is due to conditions beyond the control of the Member.

PROCEDURE

Art. 20. The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Art. 21. The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Art. 22. The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V

The Security Council

COMPOSITION

Art. 23. 1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet

Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

FUNCTIONS AND POWERS

Art. 24. 1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Art. 25. The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Art. 26. In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

VOTING

Art. 27. 1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

PROCEDURE

Art. 28. 1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Art. 29. The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Art. 30. The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Art. 31. Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Art. 32. Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI

Pacific Settlement of Disputes

Art. 33. 1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Art. 34. The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Art. 35. 1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought

to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Art. 36. 1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Art. 37. 1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Art. 38. Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII

Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression

Art. 39. The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Art. 40. In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Art. 41. The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Art. 42. Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary

to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Art. 43. 1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Art. 44. When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Art. 45. In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Art. 46. Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Art. 47. 1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Art. 48. 1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Art. 49. The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Art. 50. If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Art. 51. Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII

Regional Arrangements

Art. 52. 1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Art. 53. 1. The Security Council shall, where appropriate, utilize such

regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Art. 54. The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX

International Economic and Social Co-operation

Art. 55. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

(a) higher standards of living, full employment, and conditions of economic and social progress and development;

(b) solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and

(c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Art. 56. All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Art. 55.

Art. 57. 1. The various Specialized Agencies, established by inter-governmental agreement and having wide international responsibilities as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such Agencies thus brought into relationship with the United Nations are hereinafter referred to as Specialized Agencies.

Art. 58. The Organization shall make recommendations for the co-ordination of the policies and activities of the Specialized Agencies.

Art. 59. The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new Specialized Agencies required for the accomplishment of the purposes set forth in Article 55.

Art. 60. Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and,

under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X

The Economic and Social Council

COMPOSITION

Art. 61. 1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

FUNCTIONS AND POWERS

Art. 62. 1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Art. 63. 1. The Economic and Social Council may enter into agreements with any of the Agencies referred to in Article 57, defining the terms on which the Agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the Specialized Agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Art. 64. 1. The Economic and Social Council may take appropriate steps to obtain regular reports from the Specialized Agencies. It may make arrangements with the Members of the United Nations and with the Specialized Agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Art. 65. The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Art. 66. 1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

VOTING

Art. 67. 1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

PROCEDURE

Art. 68. The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Art. 69. The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Art. 70. The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Art. 71. The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Art. 72. 1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI

Declaration Regarding Non-Self-Governing Territories

Art. 73. Members of the United Nations which have or assume responsibility for the administration of territories whose peoples have not

yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

(a) to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

(b) to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

(c) to further international peace and security;

(d) to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

(e) to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Art. 74. Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII

International Trusteeship System

Art. 75. The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Art. 76. The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

(a) to further international peace and security;

(b) to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

(c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

(d) to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Art. 77. 1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements;

(a) territories now held under mandate;

(b) territories which may be detached from enemy states as a result of the Second World War; and

(c) territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Art. 78. The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Art. 79. The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Art. 80. 1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Art. 81. The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Art. 82. There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Art. 83. 1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Art. 84. It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

Art. 85. 1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XIII

The Trusteeship Council

COMPOSITION

Art. 86. 1. The Trusteeship Council shall consist of the following Members of the United Nations:

- (a) those Members administering trust territories;
- (b) such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- (c) as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

FUNCTIONS AND POWERS

Art. 87. The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- (a) consider reports submitted by the administering authority;
- (b) accept petitions and examine them in consultation with the administering authority;

(c) provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and

(d) take these and other actions in conformity with the terms of the trusteeship agreements.

Art. 88. The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

VOTING

Art. 89. 1. Each member of the Trusteeship Council shall have one vote.

2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

PROCEDURE

Art. 90. 1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Art. 91. The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV

The International Court of Justice

Art. 92. The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Art. 93. 1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Art. 94. 1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make

recommendations or decide upon measures to be taken to give effect to the judgment.

Art. 95. Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Art. 96. 1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV

The Secretariat

Art. 97. The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Art. 98. The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Art. 99. The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Art. 100. 1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Art. 101. 1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in

the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI

Miscellaneous Provisions

Art. 102. 1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Art. 103. In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Art. 104. The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Art. 105. 1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII

Transitional Security Arrangements

Art. 106. Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Art. 107. Nothing in the present Charter shall invalidate or preclude

action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII

Amendments

Art. 108. Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Art. 109. 1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX

Ratification and Signature

Art. 110. 1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it

has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Art. 3. The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

“UNESCO”

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This Organization is a Specialized Agency of the United Nations. Its Constitution was drawn up at a conference held in November, 1945 and signed at London on November 16, of that year. The Constitution provides that it “shall come into force when it has been accepted by twenty of its signatories,”¹ and it entered into force on November 4, 1946. Prior to that date a Preparatory Educational Scientific and Cultural Commission, established at the conference which drew up the Constitution, operated in order to prepare for the first session of the General Conference of the Organization.

The General Assembly of the United Nations, on December 14, 1946, approved an agreement between the Economic and Social Council of the United Nations and this Organization, establishing it as a Specialized Agency of the United Nations.

POWERS AND FUNCTIONS OF THE ORGANIZATION

The purpose of the Organization, as stated in its Constitution,² is:

“.... to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.”

To accomplish this, the Constitution states that the Organization will²

“(a) collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to

¹ Constitution, Art. 15.

² Id., Art. 1.

that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image;

(b) give fresh impulse to popular education and to the spread of culture;

by collaborating with Members, at their request, in the development of educational opportunity without regard to race, sex or any distinctions, economic or social;

by suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom;

(c) maintain, increase and diffuse knowledge;

by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions;

by encouraging co-operation among the nations in all branches of intellectual activity, including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest and other materials of information;

by initiating methods of international co-operation calculated to give the people of all countries access to the printed and published materials produced by any of them."

The Organization is prohibited from intervening in matters which are essentially within the domestic jurisdiction of the members ¹.

ORGANS

The organs are:

(1) A General Conference, composed of not more than five delegates from each member of the Organization, each member state to have one vote; ²

(2) An Executive Board composed of 24 members elected by the General Conference; ³ and

(3) A Secretariat. ⁴

At a Conference held under the auspices of UNESCO in 1952 a Universal Copyright Convention was drawn up and the Intergovernmental Copyright Committee established. The Convention entered into force on September 16, 1955, and the Committee, composed of twelve contracting States, first met in June 1956. The work of the Committee is financed and its secretariat provided by UNESCO.

MEMBERSHIP ⁵

The members are Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cambodia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China,

¹ Id., Art. 1.

² Id., Art. 4.

³ Id., Art. 5.

⁴ Id., Art. 6.

⁵ UNESCO also has six associate members: Mauritius, Ruanda-Urundi, Sierra Leone, Singapore, Tanganyika, West Indies Federation.

Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, German Federal Republic, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Israel, Italy, Ivory Coast, Japan, Jordan, Korea, Laos, Lebanon, Liberia, Libya, Luxembourg, Malaya, Madagascar, Mali, Mauretania, Mexico, Monaco, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Roumania, Saudi Arabia, Senegal, Somalia, Spain, Sudan, Sweden, Switzerland, Thailand, Togo, Tunisia, Turkey, Ukraine, USSR, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Vietnam, Yugoslavia.

MEANS OF FINANCIAL SUPPORT

The Organization is financed by contributions from members in accordance with a scale fixed by the General Conference.¹

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

This organization is a Specialized Agency of the United Nations. It has agreements with the Organization of American States, the Council of Europe, the League of Arab States, certain technical intergovernmental organizations, and consultation arrangements with one hundred and twenty five international non-governmental organizations in a variety of fields.

HEADQUARTERS

Its headquarters are at Place de Fontenoy, Paris.

¹ Id., Art. 9.

CONSTITUTION¹
of the
UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANISATION
November 16, 1945

The Governments of the States Parties to this Constitution on behalf of their Peoples Declare

that since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;

that ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war;

that the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races;

that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern;

that a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.

For these Reasons

the States parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives;

In Consequence Whereof

they do hereby create the United Nations Educational, Scientific and Cultural Organization for the purpose of advancing, through the educational and scientific and cultural relations of the peoples of the world, the

¹ U.S. Department of State Publication 2457.

objectives of international peace and of the common welfare of mankind for which the United Nations Organization was established and which its Charter proclaims.

Purposes and Functions

Art. 1. 1. The purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.

2. To realize this purpose the Organization will:

(a) collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image;

(b) give fresh impulse to popular education and to the spread of culture; by collaborating with Members, at their request, in the development of educational activities;

by instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social;

by suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom;

(c) maintain, increase and diffuse knowledge;

by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions;

by encouraging co-operation among the nations in all branches of intellectual activity, including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest and other materials of information.

by initiating methods of international co-operation calculated to give the people of all countries access to the printed and published materials produced by any of them.

3. With a view to preserving the independence, integrity and fruitful diversity of the cultures and educational systems of the States Members of this Organization, the Organization is prohibited from intervening in matters which are essentially within their domestic jurisdiction.

Membership

Art. 2. 1. Membership of the United Nations Organization shall carry with it the right to membership of the United Nations Educational, Scientific and Cultural Organization.

2. Subject to the conditions of the agreement between this Organization and the United Nations Organization, approved pursuant to Article 10 of this Constitution, States not members of the United Nations Organi-

zation may be admitted to membership of the Organization, upon recommendation of the Executive Board, by a two-thirds majority vote of the General Conference.

3. Members of the Organization which are suspended from the exercise of the rights and privileges of membership of the United Nations Organization shall, upon the request of the latter, be suspended from the rights and privileges of this Organization.

4. Members of the Organization which are expelled from the United Nations Organisation shall automatically cease to be members of this Organization.

Organs

Art. 3. The Organization shall include a General Conference, an Executive Board and a Secretariat.

The General Conference

A. Composition

Art. 4. 1. The General Conference shall consist of the representatives of the States Members of the Organization. The Government of each Member State shall appoint not more than five delegates, who shall be selected after consultation with the National Commission, if established, or with educational, scientific and cultural bodies.

B. Functions

2. The General Conference shall determine the policies and the main lines of work of the Organization. It shall take decisions on programs drawn up by the Executive Board.

3. The General Conference shall, when it deems it desirable, summon international conferences on education, the sciences and humanities and the dissemination of knowledge.

4. The General Conference shall, in adopting proposals for submission to the Member States, distinguish between recommendations and international conventions submitted for their approval. In the former case a majority vote shall suffice; in the latter case a two-thirds majority shall be required. Each of the Member States shall submit recommendations or conventions to its competent authorities within a period of one year from the close of the session of the General Conference at which they were adopted.

5. The General Conference shall advise the United Nations Organization on the educational, scientific and cultural aspects of matters of concern to the latter, in accordance with the terms and procedure agreed upon between the appropriate authorities of the two Organizations.

6. The General Conference shall receive and consider the reports submitted periodically by Member States as provided by Article 8.

7. The General Conference shall elect the members of the Executive Board and, on the recommendation of the Board, shall appoint the Director-General.

C. Voting

8. Each Member State shall have one vote in the General Conference.

Decisions shall be made by a simple majority except in cases in which a two-thirds majority is required by the provisions of this Constitution. A majority shall be a majority of the Members present and voting.

D. Procedure

9. The General Conference shall meet annually in ordinary session; it may meet in extraordinary session on the call of the Executive Board. At each session the location of its next session shall be designated by the General Conference and shall vary from year to year.

10. The General Conference shall, at each session, elect a President and other officers and adopt rules of procedure.

11. The General Conferences shall set up special and technical committees and such other subordinate bodies as may be necessary for its purposes.

12. The General Conference shall cause arrangements to be made for public access to meetings, subject to such regulations as it shall prescribe.

E. Observers

13. The General Conference, on the recommendation of the Executive Board and by a two-thirds majority may, subject to its rules of procedure, invite as observers at specified sessions of the Conference or of its commissions representatives of international organizations, such as those referred to in Article 11, paragraph 4.

Executive Board

A. Composition

Art. 5. 1. The Executive Board shall consist of eighteen¹ members elected by the General Conference from among the delegates appointed by the Member States, together with the President of the Conference who shall sit *ex officio* in an advisory capacity.

2. In electing the members of the Executive Board the General Conference shall endeavor to include persons competent in the arts, the humanities, the sciences, education and the diffusion of ideas, and qualified by their experience and capacity to fulfil the administrative and executive duties of the Board. It shall also have regard to the diversity of cultures and a balanced geographical distribution. Not more than one national of any Member State shall serve on the Board at any one time, the President of the Conference excepted.

3. The elected members of the Executive Board shall serve for a term of three years, and shall be immediately eligible for a second term, but shall not serve consecutively for more than two terms. At the first election eighteen members shall be elected of whom one third shall retire at the end of the first year and one third at the end of the second year, the order of retirement being determined immediately after the election by the drawing of lots. Thereafter six members shall be elected each year.

4. In the event of the death or resignation of one of its members, the Executive Board shall appoint, from among the delegates of the Member State concerned, a substitute, who shall serve until the next session of the General Conference which shall elect a member for the remainder of the term.

¹ Amended to twenty four members.

B. Functions

5. The Executive Board, acting under the authority of the General Conference, shall be responsible for the execution of the program adopted by the Conference and shall prepare its agenda and program of work.

6. The Executive Board shall recommend to the General Conference the admission of new Members to the Organization.

7. Subject to decisions of the General Conference, the Executive Board shall adopt its own rules of procedure. It shall elect its officers from among its members.

8. The Executive Board shall meet in regular session at least twice a year and may meet in special session if convoked by the Chairman on his own initiative or upon the request of six members of the Board.

9. The Chairman of the Executive Board shall present to the General Conference, with or without comment, the annual report of the Director-General on the activities of the Organization, which shall have been previously submitted to the Board.

10. The Executive Board shall make all necessary arrangements to consult the representatives of international organizations or qualified persons concerned with questions within its competence.

11. The members of the Executive Board shall exercise the powers delegated to them by the General Conference on behalf of the Conference as a whole and not as representatives of their respective Governments.

Secretariat

Art. 6. 1. The Secretariat shall consist of a Director-General and such staff as may be required.

2. The Director-General shall be nominated by the Executive Board and appointed by the General Conference for a period of six years, under such conditions as the Conference may approve, and shall be eligible for re-appointment. He shall be the chief administrative officer of the Organization.

3. The Director-General, or a deputy designated by him, shall participate, without the right to vote, in all meetings of the General Conference, of the Executive Board, and of the committees of the Organization. He shall formulate proposals for appropriate action by the Conference and the Board.

4. The Director-General shall appoint the staff of the Secretariat in accordance with staff regulations to be approved by the General Conference. Subject to the paramount consideration of securing the highest standards of integrity, efficiency and technical competence, appointment to the staff shall be on as wide a geographical basis as possible.

5. The responsibilities of the Director-General and of the staff shall be exclusively international in character. In the discharge of their duties they shall not seek or receive instructions from any government or from any authority external to the Organization. They shall refrain from any action which might prejudice their position as international officials. Each State Member of the Organization undertakes to respect the inter-

national character of the responsibilities of the Director-General and the staff, and not to seek to influence them in the discharge of their duties.

6. Nothing in this Article shall preclude the Organization from entering into special arrangements within the United Nations Organization for common services and staff and for the interchange of personnel.

National Co-operating Bodies

Art. 7. 1. Each Member State shall make such arrangements as suit its particular conditions for the purpose of associating its principal bodies interested in educational, scientific and cultural matters with the work of the Organization, preferably by the formation of a National Commission broadly representative of the Government and such bodies.

2. National Commissions or national co-operating bodies, where they exist, shall act in an advisory capacity to their respective delegations to the General Conference and to their Governments in matters relating to the Organization and shall function as agencies of liaison in all matters of interest to it.

3. The Organization may, on the request of a Member State, delegate, either temporarily or permanently, a member of its Secretariat to serve on the National Commission of that State, in order to assist in the development of its work.

Reports by Member States

Art. 8. Each Member State shall report periodically to the Organization, in a manner to be determined by the General Conference, on its laws, regulations and statistics relating to educational, scientific and cultural life and institutions, and on the action taken upon the recommendations and conventions referred to in Article 4, paragraph 4.

Budget

Art. 9. 1. The budget shall be administered by the Organization.

2. The General Conference shall approve and give final effect to the budget and to the apportionment of financial responsibility among the Member States of the Organization subject to such arrangement with the United Nations as may be provided in the agreement to be entered into pursuant to Article 10.

3. The Director-General, with the approval of the Executive Board, may receive gifts, bequests, and subventions directly from governments, public and private institutions, associations and private persons.

Relations with the United Nations Organization

Art. 10. This Organisation shall be brought into relation with the United Nations Organization, as soon as practicable, as one of the Specialised Agencies referred to in Article 57 of the Charter of the United Nations. This relationship shall be effected through an agreement with the United Nations Organization under Article 63 of the Charter, which agreement shall be subject to the approval of the General Conference of this Organi-

zation. The agreement shall provide for effective co-operation between the two Organizations in the pursuit of their common purposes, and at the same time shall recognize the autonomy of this Organization, within the fields of its competence as defined in this Constitution. Such agreement may, among other matters, provide for the approval and financing of the budget of the Organization by the General Assembly of the United Nations.

Relations with other specialized international organizations and agencies

Art. 11. 1. This Organization may co-operate with other specialized intergovernmental organizations and agencies whose interests and activities are related to its purposes. To this end the Director-General, acting under the general authority of the Executive Board, may establish effective working relationships with such organizations and agencies and establish such joint committees as may be necessary to assure effective co-operation. Any formal arrangements entered into with such organizations or agencies shall be subject to the approval of the Executive Board.

2. Whenever the General Conference of this Organization and the competent authorities of any other specialised inter-governmental organizations or agencies whose purposes and functions lie within the competence of this Organization, deem it desirable to effect a transfer of their resources and activities to this Organization, the Director-General, subject to the approval of the Conference, may enter into mutually acceptable arrangements for its purpose.

3. This Organization may make appropriate arrangements with other inter-governmental organisations for reciprocal representation at meetings.

4. The United Nations Educational, Scientific and Cultural Organization may make suitable arrangements for consultation and co-operation with non-governmental international organizations concerned with matters within its competence, and may invite them to undertake specific tasks. Such co-operation may also include appropriate participation by representatives of such organizations on advisory committees set up by the General Conference.

Legal status of the Organization

Art. 12. The provisions of Articles 104 and 105 of the Charter of the United Nations Organization concerning the legal status of that Organization, its privileges and immunities shall apply in the same way to this Organization.

Amendments

Art. 13. 1. Proposals for amendments to this Constitution shall become effective upon receiving the approval of the General Conference by a two-thirds majority; provided, however, that those amendments which involve fundamental alterations in the aims of the Organization or new obligations for the Member States shall require subsequent acceptance on the part of two-thirds of the Member States before they come into force. The draft texts of proposed amendments shall be communicated by the

Director-General to the Member States at least six months in advance of their consideration by the General Conference.

2. The General Conference shall have power to adopt by a two-thirds majority rules of procedure for carrying out the provisions of this Article.

Interpretation

Art. 14. 1. The English and French texts of this Constitution shall be regarded as equally authoritative.

2. Any question or dispute concerning the interpretation of this Constitution shall be referred for determination to the International Court of Justice or to an arbitral tribunal, as the General Conference may determine under its rules of procedure.

Entry into force

Art. 15. 1. This Constitution shall be subject to acceptance. The instruments of acceptance shall be deposited with the Government of the United Kingdom.

2. This Constitution shall remain open for signature in the archives of the Government of the United Kingdom. Signature may take place either before or after the deposit of the instrument of acceptance. No acceptance shall be valid unless preceded or followed by signature.

3. This Constitution shall come into force when it has been accepted by twenty of its signatories. Subsequent acceptances shall take effect immediately.

4. The Government of the United Kingdom will inform all members of the United Nations of the receipt of all instruments of acceptance and of the date on which the Constitution comes into force in accordance with the preceding paragraph.

In faith whereof, the undersigned, duly authorized to that effect, have signed this Constitution in the English and French languages, both texts being equally authentic.

Done in London the sixteenth day of November, 1945 in a single copy, in the English and French languages, of which certified copies will be communicated by the Government of the United Kingdom to the Governments of all the Members of the United Nations.

AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

December 14, 1946 as supplemented December 11, 1948

1. Article 57 of the Charter of the United Nations provides that specialized agencies, established by inter-governmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations.

2. Articles 10 and 4, paragraph B, sub-paragraph 5, of the constitution establishing the United Nations Educational, Scientific and Cultural Organization provide that this Organization shall be brought into relation with the United Nations as soon as practicable, as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations, with the function of advising the United Nations on the educational, scientific and cultural aspects of matters of concern to the latter.

Therefore the United Nations and the United Nations Educational, Scientific and Cultural Organization agree as follows:

Art. 1. The United Nations recognizes the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

ADMISSION OF STATES NOT MEMBERS OF THE UNITED NATIONS

Art. 2. Applications submitted by States not members of the United Nations for admission to the United Nations Educational, Scientific and Cultural Organization shall be immediately transmitted by the secretariat of the Organization to the Economic and Social Council of the United Nations (hereinafter called the Council). The Council may recommend the rejection of such applications and any such recommendations shall be accepted by the Organization. If, within six months of the receipt of an application by the Council, no such recommendation has been made, the application shall be dealt with according to Article 2, paragraph 2, of the constitution of the Organization.

RECIPROCAL REPRESENTATION

Art. 3. 1. Representatives of the United Nations shall be invited to attend the meetings of the General Conference of the United Nations Educational, Scientific and Cultural Organization and its committees, the Executive Board and its committees, and such general, regional or other special meetings as the Organization may convene, and to participate, without vote, in the deliberations of these bodies.

2. Representatives of the United Nations Educational, Scientific and Cultural Organization shall be invited to attend meetings of the Economic and Social Council and of its commissions and committees and to participate, without vote, in the deliberations of these bodies, with respect to

items on their agenda relating to educational, scientific and cultural matters.

3. Representatives of the United Nations Educational, Scientific and Cultural Organization shall be invited to attend meetings of the General Assembly of the United Nations for the purposes of consultation on educational, scientific and cultural matters.

4. Representatives of the United Nations Educational, Scientific and Cultural Organization shall be invited to attend meetings of the main committees of the General Assembly when educational, scientific or cultural matters are under discussion, and to participate, without vote, in such discussions.

5. Representatives of the United Nations Educational, Scientific and Cultural Organization shall be invited to attend the meetings of the Trusteeship Council of the United Nations and to participate, without vote, in the deliberations thereof, with respect to items on the agenda relating to educational, scientific and cultural matters.

6. Written statements of the United Nations Educational, Scientific and Cultural Organization shall be distributed by the Secretariat of the United Nations to all Members of the General Assembly, the Council and its commissions, and the Trusteeship Council as appropriate.

PROPOSAL OF AGENDA ITEMS

Art. 4. Subject to such preliminary consultation as may be necessary, the United Nations Educational, Scientific and Cultural Organization shall include on the agenda of the General Conference or Executive Board items proposed to it by the United Nations. Similarly, the Council and its commissions and the Trusteeship Council shall include on their agenda items proposed by the General Conference or Executive Board of the Organization.

RECOMMENDATIONS OF THE UNITED NATIONS

Art. 5. 1. The United Nations Educational, Scientific and Cultural Organization, having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the function and power of the Council, under Article 62 of the Charter, to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the co-ordination of the policies and activities of such specialized agencies, agrees to arrange for the submission, as soon as possible, to the appropriate organ of the Organization, of all formal recommendations which the United Nations may make to it.

2. The United Nations Educational, Scientific and Cultural Organization agrees to enter into consultation with the United Nations upon request with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Organization or by its members

to give effect to such recommendations, or on the other results of their consideration.

3. The United Nations Educational, Scientific and Cultural Organization affirms its intention of co-operating in whatever further measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations, fully effective. In particular, it agrees to participate in, and to co-operate with, any body or bodies which the Council may establish for the purpose of facilitating such co-ordination and to furnish such information as may be required for the carrying out of this purpose.

EXCHANGE OF INFORMATION AND DOCUMENTS

Art. 6. 1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the United Nations Educational, Scientific and Cultural Organization.

2. Without prejudice to the generality of the provisions of paragraph 1:

(a) The United Nations Educational, Scientific and Cultural Organization agrees to transmit to the United Nations regular reports on the activities of the Organization;

(b) The United Nations Educational, Scientific and Cultural Organization agrees to comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in Article 17;

(c) The Secretary-General shall, upon request, consult with the Director-General regarding the provision to the United Nations Educational, Scientific and Cultural Organization of such information as may be of special interest to the Organization.

PUBLIC INFORMATION

Art. 7. Having regard to the functions of the United Nations Educational, Scientific and Cultural Organization, as defined in Article 1, paragraph 2 (a) and (c), of its constitution, to collaborate in the work of advancing the mutual knowledge and understanding of peoples through all means of mass communication, and with a view to co-ordinating the activities of the Organization in this field with the operations of the information services of the United Nations, a subsidiary agreement regarding these matters shall be concluded as soon as possible after the coming into force of the present agreement.

ASSISTANCE TO THE SECURITY COUNCIL

Art. 8. The United Nations Educational, Scientific and Cultural Organization agrees to co-operate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council may request, including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security.

ASSISTANCE TO THE TRUSTEESHIP COUNCIL

Art. 9. The United Nations Educational, Scientific and Cultural Organization agrees to co-operate with the Trusteeship Council in the carrying out of its functions and in particular agrees that it will, to the greatest extent possible, render such assistance as the Trusteeship Council may request in regard to matters with which the Organization is concerned.

NON-SELF-GOVERNING TERRITORIES

Art. 10. The United Nations Educational, Scientific and Cultural Organization agrees to co-operate with the United Nations in giving effect to the principles and obligations set forth in Chapter XI of the Charter with regard to matters affecting the well-being and development of the peoples of Non-Self-Governing Territories.

RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

Art. 11. 1. The United Nations Educational, Scientific and Cultural Organization agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

2. The General Assembly authorizes the United Nations Educational, Scientific and Cultural Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities other than questions concerning the mutual relationships of the Organization and the United Nations or other specialized agencies.

3. Such request may be addressed to the Court by the General Conference or by the Executive Board acting in pursuance of an authorization by the Conference.

4. When requesting the International Court of Justice to give an advisory opinion the United Nations Educational, Scientific and Cultural Organization shall inform the Economic and Social Council of the request.

REGIONAL OFFICES

Art. 12. Any regional or branch offices which the United Nations Educational, Scientific and Cultural Organization may establish shall, so far as practicable, be closely associated with such regional or branch offices as the United Nations may establish.

PERSONNEL ARRANGEMENTS

Art. 13. 1. The United Nations and the United Nations Educational, Scientific and Cultural Organization recognize that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative co-ordination, and with this end in view agree to develop common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the United Nations Educational, Scientific

and Cultural Organization agree to co-operate to the fullest extent possible in achieving these ends and in particular they agree to:

(a) Consult together concerning the establishment of an international Civil Service Commission to advise on the means by which common standards of recruitment in the secretariats of the United Nations and of the specialized agencies may be ensured;

(b) Consult together concerning other matters relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules with a view to securing as much uniformity in these matters as shall be found practicable;

(c) Co-operate in the interchange of personnel when desirable on a temporary or permanent basis, making due provision for the retention of seniority and pension rights;

(d) Co-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connexion with the employment of personnel and related matters.

Art. 14. The officials of the United Nations Educational, Scientific and Cultural Organization shall have the right to use the *laissez-passer* of the United Nations in accordance with the special arrangements to be negotiated between the Secretary-General of the United Nations and the competent authority of the United Nations Educational, Scientific and Cultural Organization.

STATISTICAL SERVICES

Art. 15 1. The United Nations and the United Nations Educational, Scientific and Cultural Organization agree to strive for maximum co-operation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burdens placed upon national governments and other organizations from which such information may be collected.

2. The United Nations Educational Scientific and Cultural Organization recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvements of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the United Nations Educational, Scientific and Cultural Organization as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world.

4. The United Nations shall develop administrative instruments and procedures through which effective statistical co-operation may be secured

between the United Nations and the agencies brought into relationship with it.

5. It is recognized as desirable that the collection of statistical information should not be duplicated by the United Nations or any of the specialized agencies whenever it is practicable for any of them to utilize information or materials which another may have available.

6. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the United Nations Educational, Scientific and Cultural Organization for incorporation in its basic statistical series or special reports should, so far as practicable, be made available to the United Nations.

ADMINISTRATIVE AND TECHNICAL SERVICES

Art. 16 1. The United Nations and the United Nations Educational, Scientific and Cultural Organization recognize the desirability, in the interest of administrative and technical uniformity and of the most efficient use of personnel and resources, of avoiding, whenever possible, the establishment and operation of competitive or overlapping facilities and services among the United Nations and the specialized agencies.

2. Accordingly, the United Nations and the United Nations Educational, Scientific and Cultural Organization agree to consult together concerning the establishment and use of common administrative and technical services and facilities in addition to those referred to in Articles 13, 15 and 17, in so far as the establishment and use of such services may from time to time be found practicable and appropriate.

3. Arrangements shall be made between the United Nations Educational, Scientific and Cultural Organization in regard to the registration and deposit of official documents.

BUDGETARY AND FINANCIAL ARRANGEMENTS

Art. 17 1. The United Nations Educational, Scientific and Cultural Organization recognizes the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and of the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of co-ordination and uniformity with respect to these operations shall be secured.

2. The United Nations and the United Nations Educational, Scientific and Cultural Organization agree to co-operate to the fullest extent possible in achieving these ends and, in particular, shall consult together concerning appropriate arrangements for the inclusion of the budget of the Organization within a general budget of the United Nations. Such arrangements shall be defined in a supplementary agreement between the two organizations.

3. Pending the conclusion of such agreement, the following arrangements shall govern budgetary and financial relationships between the

United Nations and the United Nations Educational, Scientific and Cultural Organization:

(a) In the preparation of the budget of the United Nations Educational, Scientific and Cultural Organization, the Organization shall consult with the United Nations,

(b) The United Nations Educational, Scientific and Cultural Organization agrees to transmit its proposed budget to the United Nations annually at the same time as such budget is transmitted to its members. The General Assembly shall examine the budget or proposed budget of the Organization and may make recommendations to it concerning any item or items contained therein;

(c) Representatives of the United Nations Educational, Scientific and Cultural Organization shall be entitled to participate, without vote, in the deliberations of the General Assembly or any committee thereof at all times when the budget of the Organization or general administrative or financial questions affecting the Organization are under consideration;

(d) The United Nations may undertake the collection of contributions from those members of the United Nations Educational, Scientific and Cultural Organization which are also Members of the United Nations in accordance with such arrangements as may be defined by a later agreement between the United Nations and the Organization;

(e) The United Nations shall, upon its own initiative or upon the request of the United Nations Educational, Scientific and Cultural Organization, arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organization and to other specialized agencies with a view to the provision of common services and the securing of uniformity in such matters;

(f) The United Nations Educational, Scientific and Cultural Organization agrees to conform, as far as may be practicable, to standard practices and forms recommended by the United Nations.

FINANCING OF SPECIAL SERVICES

Art. 18 1. In the event of the United Nations Educational, Scientific and Cultural Organization being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with Articles 7, 8 or 9 or with other provisions of this agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the United Nations Educational, Scientific and Cultural Organization shall similarly take place with a view to making such arrangements as may be found equitable for covering the costs of central administrative, technical or fiscal services or facilities or other special assistance provided by the United Nations.

INTER-AGENCY AGREEMENTS

Art. 19 The United Nations Educational, Scientific and Cultural Organization agrees to inform the Council of the nature and scope of any formal agreement between the Organization and any other specialized agency, intergovernmental or non-governmental organization, and in particular agrees to inform the Council before any such agreement is concluded.

LIAISON

Art. 20 1. The United Nations and the United Nations Educational, Scientific and Cultural Organization agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking whatever further measures may be necessary to make this liaison fully effective.

2. The liaison arrangements provided for in the foregoing articles of this agreement shall apply as far as appropriate to the relations between such branch or regional offices as may be established by the two organizations as well as between their central machinery.

IMPLEMENTATION OF THE AGREEMENT

Art. 21. The Secretary-General and the Director-General may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable in the light of the operating experience of the two organizations.

REVISION

Art. 22. This Agreement shall be subject to revision by agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization, and shall be reviewed not later than three years after the Agreement has come into force.

ENTRY INTO FORCE

Art. 23. This Agreement shall come into force on its approval by the General Assembly of the United Nations and the General Conference of the United Nations Educational, Scientific and Cultural Organization.

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UNIVERSAL POSTAL UNION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This Organization has a Constitution which is set forth in the Universal Postal Convention signed at Ottawa on October 3, 1957 and which entered into force on April 1, 1959. It is to remain in force for an indefinite period.¹

Any member may withdraw from the Union by means of notice given through the diplomatic channels of the Government of the Swiss Confederation, such withdrawal to become effective one year following the date of receipt of the notification.²

In 1863 representatives of 15 states met at Paris to consider certain principles relating to the systematic exchange of postal matter among countries. At Berne in 1874 a Postal Convention signed by the United States, Egypt and states of Europe, created a General Postal Union. By this Convention an International Bureau was established at Berne under the supervision of the Swiss Government. A further Congress was held in 1878 at Paris, since which time the Union has been known as the Universal Postal Union. Previous to the 1957 Convention, the Union operated under a Convention concluded at Paris on July 5, 1947 and amended at Brussels on July 11, 1952.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The countries among whom the Convention has been adopted constitute a single postal territory, and the purpose of the Union is to assure the organization and improvement of the various postal services and to promote international co-operation in this domain.³

ORGANS

The organs are:

(1) a Congress, composed of delegates from member countries, each country having one vote, meeting at least every five years;⁴

¹ Convention, Art. 84.

² Id., Art. 9.

³ Id., Art. 1.

⁴ Id., Art. 11.

(2) an Executive and Liaison Commission, composed of twenty members, which meets in the intervals between Congresses; ¹

(3) A Consultative Committee for Postal Studies, composed of all the members of the Union which elects a Management Council of twenty members to carry out its work; ²

(4) special Commissions for study and conferences appointed by the Congress; ³ and

(5) an International Bureau. ⁴

MEMBERSHIP

The members are: Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cambodia, Cameroun, Canada, Ceylon, Chile, China, Colombia, Congo (Leopoldville), Costa Rica, Cuba, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea, Kuwait, Laos, Lebanon, Liberia, Libya, Luxembourg, Malaya, Mexico, Monaco, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Roumania, San Marino, Saudi Arabia, Somalia, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, Union of South Africa, USSR, United Arab Republic, ⁵ United Kingdom, United States, Uruguay, Vatican City, Venezuela, Vietnam, Yemen, Yugoslavia.

Other members are Algeria, Netherlands Antilles and Surinam, Portuguese provinces in West Africa and in East Africa, Asia and Oceania, Spanish territories in Africa, whole of British Overseas Territories, whole of territories represented by the French Office of Posts and Telecommunications, whole of territories of United States.

MEANS OF FINANCIAL SUPPORT

The expenses of the organization are apportioned among members according to a scale which divides the members into seven classes, ranging from one unit to twenty-five units. ⁶

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

This organization is a Specialized Agency of the United Nations. It has relations with other organizations on matters of common interest, in

¹ Id., Art. 16.

² Id., Art. 17.

³ Id., Arts. 14, 18.

⁴ Id., Art. 19.

⁵ Listed under UAR Egypt and UAR Syria.

⁶ Convention, Art. 20.

particular with regional postal unions such as the African Postal Union (q.v.), the Postal Union of the Americas and Spain (q.v.), the Arab Postal Union, the Malayan Postal Union and the Postal Union of the Nordic countries.

HEADQUARTERS

Its headquarters are at Schlosshaldenstrasse 46, Berne, Switzerland.

UNIVERSAL POSTAL CONVENTION¹

October 3, 1957

PART I. — CONSTITUTIONAL AND GENERAL PROVISIONS OF THE UNIVERSAL POSTAL UNION

SECTION I.—CONSTITUTIONAL PROVISIONS

CHAPTER I.—CONSTITUTION OF THE UNION

Constitution and aim of the Union

Art. 1. 1. The Countries between which the present Convention is concluded form, under the title of Universal Postal Union, a single postal territory for the reciprocal exchange of correspondence.

2. The aim of the Union is to secure the organization and improvement of the various postal services and to promote in this sphere the development of international collaboration.

Seat of the Union

Art. 2. The seat of the Union and of its permanent organs shall be at Berne.

New admissions. Procedure

Art. 3. 1. Any sovereign Country may apply for admission as a member of the Universal Postal Union.

2. The application is addressed through the diplomatic channel to the Government of the Swiss Confederation, and by the latter to the member-Countries of the Union.

3. The Country concerned is considered to be admitted as a member if its application is approved by two-thirds at least of the member-Countries of the Union.

4. Member-Countries of the Union which have not answered within a period of four months are considered to have abstained.

5. Admission as a member is notified by the Government of the Swiss Confederation to the Governments of all the member-Countries of the Union.

Territories for whose international relations a member-Country is responsible

Art. 4. The following are considered to be a single member-Country of the Union or a single postal Administration of a member-Country as the case may be within the meaning of the Convention and of the Agreements as regards, in particular, their right to vote at Congresses, Conferences and

¹ Source: Cmd. 576. London, H.M.S.O. Translation by the British Post Office, Supplied by them.

in the interval between meetings and also their contribution to the expenditure of the Union:

1. the Whole of the Territories of the United States of America, including the trust Territory of the Pacific Islands;
2. Belgian Congo;
3. the Spanish Territories in Africa,
4. Algeria;
5. the Whole of the Territories represented by the French Office of Overseas Posts and Telecommunications;
6. the Whole of the British overseas Territories, including the Colonies, the Protectorates and the Territories under trusteeship exercised by the Government of the United Kingdom of Great Britain and Northern Ireland;
7. The Territory of Somalia under Italian administration;
8. the Netherlands Antilles, Surinam;
9. the Portuguese Provinces in West Africa;
10. the Portuguese Provinces in East Africa, Asia and Oceania.

Application of the Acts of the Union to the Territories for whose international relations a member-Country is responsible

Art. 5. 1. Any member-Country may declare, either at the time of signature, ratification or application for admission, or later, that its acceptance of the present Convention and, where appropriate, of the Agreements, includes all the Territories, for whose international relations it is responsible, or certain of them only. This declaration, unless made at the time of signature or ratification of the Convention, is to be addressed to the Government of the Swiss Confederation.

2. The Convention applies only to those Territories for whose international relations a member-Country is responsible and in respect of which declarations have been made under § 1.

3. Any member-Country may at any time address to the Government of the Swiss Confederation a notification designed to cancel the application of the Convention to any Territory for whose international relations it is responsible and in respect of which it has made a declaration under § 1. This notification takes effect one year from the date of its receipt by the Government of the Swiss Confederation.

4. The Government of the Swiss Confederation communicates to every member-Country a copy of each declaration or notification received under §§ 1 to 3.

5. The provisions of this article do not apply to any Territory for whose international relations a member-Country is responsible and which figures in Article 4 of the Convention.

Jurisdiction of the Union

Art. 6. The following are considered as belonging to the Universal Postal Union:

- (a) post offices set up by member-Countries in territories not included in the Union;
- (b) other territories which, without being members of the Union, are included in it because from the postal point of view they are subordinate to member-Countries

Exceptional relations

Art. 7. Administrations which provide a service with territories not included in the Union are bound to act as intermediaries for other Administrations. The provisions of the Convention and its Detailed Regulations apply to these exceptional relations.

Restricted Unions. Special Agreements

Art. 8. 1. Member-Countries of the Union, or their postal Administrations if the legislation of the Countries permits, may establish restricted Unions and make special Agreements concerning the international postal service provided always that they do not introduce provisions less favorable to the public than those laid down in the Acts to which they are parties.

2. Restricted Unions may send observers to Congresses, Conferences and meetings of the Union and to the Executive and Liaison Committees as well as to the Consultative Committees for Postal Studies.

Withdrawal from the Union

Art. 9. 1. Each member-Country is free to withdraw from the Union by notice given through the diplomatic channel to the Government of the Swiss Confederation and by that Government to the Governments of the member-Countries.

2. Withdrawal from the Union becomes effective on the expiry of a period of one year from the day on which the notice is received by the Government of the Swiss Confederation.

Languages

Art. 10. 1. The official language of the Universal Postal Union is French.

2. For the debates of Congresses, of Conferences and of their committees, the French, English, Spanish and Russian languages are admitted, by means of a system of interpretation—with or without electronic equipment—the choice of which is left to the judgment of the organisers of the meeting after consultation with the Director of the International Bureau and the member-Countries concerned. The same applies as regards meetings of the Universal Postal Union which are held in the intervals between Congresses.

3. Other languages are likewise admissible for the debates and meetings mentioned in § 2.

4. (a) The cost of installing and maintaining the system of simultaneous interpretation for French, English, Spanish and Russian is borne by the Union;

(b) the cost of the interpretation services for the same languages is borne by the member-Countries which use English, Spanish or Russian. It is divided into three equal parts each of which is apportioned among the Countries of the group to which they belong in proportion to their contributions to the general expenses of the Union.

5. Delegations using other languages provide for simultaneous interpretation into one of the languages mentioned in § 2, either by the system therein indicated, when the necessary technical modifications can be made, or by individual interpreters.

6. The cost of using other languages, including the cost of any technical alterations described in § 5 that may be made to the system mentioned in § 2, are apportioned among the member-Countries using those languages on the same basis as in § 4 (b).

7. Postal Administrations may come to an understanding about the language to be used for official correspondence in their relations with one another. In the absence of such agreement the language to be used in French.

CHAPTER II.—ORGANISATION OF THE UNION

Congress

Art. 11. 1. Delegates of the Countries of the Union meet in Congress not later than five years after the date of the entry into force of the Acts of the preceding Congress in order to revise or complete those Acts, as required.

2. Each Country arranges for its representation at Congress by one or more plenipotentiary delegates furnished with the necessary powers by their Government. It may, if necessary, arrange for its representation by the delegation of another Country. It is understood, nevertheless, that a delegation may represent only one Country other than its own.

3. In the debates each Country is entitled to one vote only.

4. Each Congress fixes the place of assembly for the next Congress. The Countries of the Union are convened, directly or through the intermediary of a third Country, by the good offices of the Government of the Country in which the Congress is to take place, in agreement with the International Bureau. That Government is also responsible for notifying the decisions taken by the Congress to all the Governments of the Countries.

Extraordinary Congresses

Art. 12. 1. An extraordinary Congress may be assembled at the request or with the consent of at least two-thirds of the member-Countries.

2. The place of assembly is fixed, in agreement with the International Bureau, by the member-Countries initiating the Congress.

3. The regulations laid down in Article 11, § § 2 to 4, apply by analogy to extraordinary Congresses.

Presentation of proposals to Congresses

Art. 13. The Administration of any member-Country has the right to present to Congresses proposals concerning the Acts of the Union to which that Country is a party.

Administrative Conferences

Art. 14. 1. Conferences charged with examining purely administrative

questions may be convened at the request or with the consent of at least two-thirds of the Administrations.

2. The place of assembly is fixed, in agreement with the International Bureau, by the Administrations initiating the Conference. The invitations are issued by the Administration of the Country in which the Conference is to be held.

Rules of Procedure of Congresses and Conferences

Art. 15. Each Congress and Conference draws up the rules of procedure necessary for its work. Until these rules are adopted, the provisions of the rules of procedure drawn up by the previous Congress apply in so far as they are relevant to the debates.

Executive and Liaison Committee

Art. 16. 1. In the interval between Congresses an Executive and Liaison Committee ensures the continuity of the work of the Universal Postal Union in accordance with the provisions of the Convention and the Agreements.

2. The Committee consists of twenty members who exercise their functions on behalf of and in the interest of the Union during the interval between two successive Congresses.

3. The member-Countries of the Committee are appointed by Congress on the basis of an equitable geographical distribution. At least half of the membership is renewed at each Congress; no Country may be chosen by three Congresses in succession.

4. The representative of each of the member-Countries of the Committee is appointed by the postal Administration of his Country. This representative shall be a qualified official of the postal Administration.

5. The office of Committee member is unpaid. The working expenses of the Committee are borne by the Union.

6. The functions of the Committee are as follows:

(a) to maintain the closest contact with the Administrations of the Countries of the Union with a view to improving the international postal service;

(b) to study administrative, legislative and juridical problems connected with the international postal service and to communicate the results of such studies to the postal Administrations;

(c) to submit, for examination by the Consultative Committee for Postal Studies, questions on which the latter will carry out studies and issue opinions according to the provisions of Article 17;

(d) to make useful contact with the United Nations, its Councils and Commissions, and also with the specialised agencies and other international organizations, for research and the preparation of reports to be submitted for approval to the Administrations of the Countries of the Union; and to send as occasion arises representatives of the Union to take part on its behalf in meetings of these international organizations;

(e) to formulate as may be necessary proposals to be submitted for the approval either of the Administrations of the member-Countries of the Union under the provisions of Articles 28 and 29, or of Congress when the proposals concern studies entrusted by Congress to the Committee or when they arise out of the Committee's own activities as defined in this Article;

(f) to examine at the request of the Administration of a Country any proposal which that Administration forwards to the International Bureau under the provisions of Chapter V, to prepare observations on it and to charge the International Bureau with annexing these observations to the said proposal before submitting it for approval to the Administrations of member-Countries of the Union;

(g) within the framework of the Convention and its Detailed Regulations:

- 1° to ensure the control of the activities of the International Bureau of which it appoints, when the need arises, and on the proposal of the Government of the Swiss Confederation, the Director and other higher officials;
- 2° to approve, on the proposal of the Director of the International Bureau, the appointments of officials of the 1st and 2nd salary grades after examining the professional qualifications of the candidates sponsored by the Administrations of the Union, taking into account an equitable geographical distribution with respect to continents and language and all other relevant considerations, due regard being had to the Bureau's own internal promotion arrangements;
- 3° to approve the annual report on the Union's activities drawn up by the International Bureau and, where appropriate, to furnish observations upon it.

Consultative Committee for Postal Studies

Art. 17. 1. The Consultative Committee for Postal Studies is a permanent organ of the Union charged with carrying out studies and issuing opinions on technical, operational and economic questions concerning the postal service.

2. All the member-Countries of the Union are, as of right, members of the Committee.

3. The Committee elects, from its number, a Management Council of twenty members responsible for directing, fostering and co-ordinating its work.

4. The members of the Management Council are divided into three specialised sections:

- (a) Technical Section;
- (b) Operational Section;
- (c) Economic Section.

5. The Sections set up working parties charged with the study of specific questions. Countries which do not belong to the Management Council may, at their request, collaborate in the activities of the working parties.

6. Congress submits to the Committee the questions for study. The Executive and Liaison Committee may also submit subjects for study to the Consultative Committee for Postal Studies. Countries wishing to propose the study of a particular question during intervals between Congresses shall do so through the Chairman of the Management Council.

7. The Management Council shall report annually to the Executive and Liaison Committee and, at the appropriate time, to the Congress on the work of the Committee. The Management Council's report to the Congress shall previously be submitted to the Consultative Committee for Postal Studies meeting in plenary session.

8. The expenses of the Committee shall be borne by the Union.

Special Committees

Art. 18. Committees appointed by a Congress or Conference to study one or more specific questions are convened by the International Bureau, after agreement, where appropriate, with the Administration of the Country in which these Committees are to meet.

International Bureau

Art. 19. A central Office operating at the headquarters of the Union, under the title of the International Bureau of the Universal Postal Union and set under the general supervision of the Swiss Postal Administration, serves postal Administrations as an organization for liaison, information and consultation.

Expenditure of the Union

Art. 20. 1. Each Congress fixes the maximum figure for the ordinary annual expenditure of the Union, including the working expenses of the Executive and Liaison Committee and of the Consultative Committee for Postal Studies. This expenditure, together with the extraordinary expenses occasioned by the meeting of a Congress, Conference or special Committee and the expenses which may result from special tasks entrusted to the International Bureau, is borne in common by all the Countries of the Union.

2. To this end, member-Countries are grouped in 7 classes and contribute to the expenses in the following proportion:

1st class, 25 units	5th class, 5 units
2nd class, 20 units	6th class, 3 units
3rd class, 15 units	7th class, 1 unit.
4th class, 10 units	

3. In the case of a new admission the Government of the Swiss Confederation fixes by common consent with the Government of the Country concerned the class in which the latter shall be placed for the apportionment of the expenditure.

CHAPTER III.—RELATIONSHIP OF THE UNION WITH THE UNITED NATIONS

Relationship with the United Nations

Art. 21. The relationship between the Universal Postal Union and the United Nations is governed by the two following agreements, the texts of which are annexed to the present Convention:

- (a) Agreement signed at Paris on the 4th July 1947;
- (b) Supplementary Agreement signed at Paris on the 13th July 1949 and at Lake Success on the 27th July 1949.

CHAPTER IV.—ACTS OF THE UNION

Convention and Agreements of the Union

Art. 22. 1. The Convention is the constitutive Act of the Union.

2. The letter post service is regulated by the provisions of the Convention.

3. The other services are regulated by the following Agreements:—

the Agreement concerning Insured Letters and Boxes;
 the Agreement concerning Postal Parcels;
 the Agreement concerning Postal Money Orders and Postal Travellers' Cheques;
 the Agreement concerning Transfers to and from Postal Cheque Accounts;
 the Agreement concerning Cash on Delivery items,
 the Agreement concerning the Collection of Bills;
 the Agreement concerning Subscriptions to Newspapers and Periodicals

4. These Agreements are binding only upon the member-Countries which have acceded to them.

5. Accession by member-Countries to one or more of these Agreements is notified in accordance with the provisions of Article 3, § 2.

Withdrawal from participation in the Agreements

Art. 23. Each member-Country is free to withdraw from participation in one or more of the Agreements, under the conditions laid down in Article 9.

Detailed Regulations

Art. 24. The Administrations of member-Countries draw up by common consent, in the Detailed Regulations, the detailed rules and procedures necessary for the implementation of the Convention and the Agreements.

Ratification

Art. 25. 1. The Acts adopted by a Congress are ratified as soon as possible by the signatory Countries; the ratifications are communicated to the Government of the Country where the Congress was held and by that Government to the Governments of the signatory Countries.

2. These Acts come into force simultaneously and are current for the same period.

3. As from the date fixed for the entry into force of the Acts adopted by a Congress all the Acts of the previous Congress are rescinded.

4. If one or more of the Countries do not ratify one or other of the Acts signed by them, those Acts shall be none the less valid for the Countries that have ratified them.

National legislation

Art. 26. The stipulations of the Convention and the Agreements of the Union and of their Final Protocols do not override the legislation of any Country as regards anything for which they do not expressly provide.

CHAPTER V.—PROPOSALS DESIGNED TO AMEND OR INTERPRET THE ACTS OF THE UNION

Presentation of proposals

Art. 27. 1. In the interval between Congresses, any Administration of a member-Country has the right to address to the other Administrations through the intermediary of the International Bureau proposals relating to the Acts of the Union to which that Country is a party.

2. To be eligible for consideration all proposals presented by an Administration in the interval between Congresses shall be supported by at least two other Administrations. Such proposals lapse when the International Bureau does not receive, at the same time, the necessary number of declarations of support.

Examination of proposals

Art. 28. 1. Every proposal is subjected to the following procedure:—

A period of two months is allowed to Administrations to examine the proposal circulated by the International Bureau and to forward their observations if any to the Bureau. Amendments are not admitted. The replies are collected by the International Bureau and communicated to Administrations with an invitation to pronounce for or against the proposal. Those that have not notified their vote within a period of two months are considered as abstaining. The periods quoted are reckoned from the date of the International Bureau circulars.

2. If the proposal relates to an Agreement, its Detailed Regulations or their Final Protocols, only the Administrations which are parties to that Agreement may take part in the procedure laid down in § 1.

Conditions of approval

Art. 29. 1. To become effective, a proposal shall obtain—

(a) the unanimity of the votes if it involves amendment of the provisions of Articles 1 to 47 (Part I), Articles 48, 49, 52, 55, 68, 69, 71 to 74, 76 to 83 (Part II), Article 84 (Part III) of the Convention, of any of the Articles of its Final Protocol and of Articles 101, 102, 103, 106, §§ 2 to 5, 112, § 1, 116, 117, 119, 134, 169, 173, 180, 184 and 191 of its Detailed Regulations;

(b) two-thirds of the votes if it involves an amendment of principle of provisions other than those mentioned under (a);

(c) the majority of the votes if it is a question of—

(i) editorial amendments of the provisions of the Convention and its Detailed Regulations other than those mentioned under (a);

(ii) an interpretation of the provisions of the Convention, its Final Protocol and its Detailed Regulations, except in the case of a disagreement to be submitted to arbitration as provided for in Article 33.

2. The conditions to be fulfilled for the approval of proposals concerning the Agreements are fixed by the Agreements themselves.

Promulgation of decisions

Art. 30. 1. Amendments made to the Convention, the Agreements, the Final Protocols and the Annexes to those Acts are sanctioned by a diplomatic declaration which the Government of the Swiss Confederation is charged with preparing and conveying at the request of the International Bureau to the Governments of the member-Countries.

2. Amendments made to the Detailed Regulations and their Final Protocols are recorded and notified to Administrations by the International Bureau. The same applies to the interpretations referred to in Article 29, § 1, (c), (ii).

Implementation of decisions

Art. 31. Any amendment which has been adopted does not take effect until at least three months after its promulgation.

Proposals concerning the Agreements with the United Nations

Art. 32. The procedure envisaged in Article 29, § 1, (a) applies also to proposals designed to modify the Agreement concluded between the Universal Postal Union and the United Nations to the extent that that Agreement does not lay down conditions for the amendment of the provisions contained in it.

CHAPTER VI.—ARBITRATION

Arbitration

Art. 33. 1. In the event of disagreement between two or more Postal Administrations of member-Countries as to the interpretation of the Convention, the Agreements and their final Protocols as well as their Detailed Regulations and their final Protocols or as to the responsibility imposed on a postal Administration by the application of these Acts, the question at issue is settled by arbitration.

2. To this end, each of the Administrations in the case selects an Administration of the Union not directly interested in the dispute. When several Administrations make common cause, they count as a single Administration for the purposes of this provision.

3. If one of the Administrations in disagreement does not act on a proposal for arbitration within a period of six months, the International Bureau, if requested, calls on the defaulting Administrations to appoint an arbitrator or itself appoints one *ex officio*.

4. The parties in the case may agree to appoint a single arbitrator which may be the International Bureau.

5. The decision of the arbitrators is taken on an absolute majority of the votes.

6. If the voting is equal the arbitrators select another postal Administration also disinterested in the question at issue to settle the difference. Should they fail to agree on the choice, this Administration is appointed by the International Bureau from among members of the Union not proposed by the arbitrators.

7. If the dispute concerns one of the Agreements, the arbitrators may only be appointed from among the Administrations giving effect to that Agreement.

SECTION II.—GENERAL PROVISIONS

CHAPTER I.—RULES CONCERNING THE INTERNATIONAL POSTAL SERVICE

Freedom of transit

Art. 34. 1. Freedom of transit is guaranteed throughout the entire territory of the Union. It applies equally to air-mail correspondence,

whether or not the intermediate administrations take part in reforwarding it.

2. Member-Countries which do not participate in the exchange of letters containing perishable biological substances have the option of not admitting these items sent in transit, *à découvert*, through their territories.

3. Member-Countries not providing the insured letters and boxes service or not accepting responsibility for insured items carried by their sea or air services cannot refuse to accept such items in closed mails for transit through their territories or for conveyance by their sea or air services; but their responsibility is limited to that laid down for registered items.

4. Freedom of transit for postal parcels forwarded by land and by sea is limited to the territories of the Countries taking part in this service.

5. Freedom of transit for air parcels is guaranteed throughout the entire territory of the Union. Nevertheless, member-Countries which are not parties to the Agreement concerning Postal Parcels cannot be required to forward air parcels by surface.

6. Member-Countries which are parties to the Agreement concerning Postal Parcels are bound to provide transit for insured postal parcels despatched in closed mails, even if those Countries do not themselves admit such items or do not accept responsibility in respect of such items carried by their sea or air services, in which case their responsibility is limited to that laid down for uninsured parcels of the same weight.

Failure to give freedom of transit

Art. 35. When a Country fails to observe the provisions of Article 34 concerning freedom of transit the Administrations of the other Countries are at liberty to discontinue their postal service with that Country. They shall give prior notice of this step to the Administrations concerned by telegram.

Temporary suspension of services

Art. 36. When, owing to exceptional circumstances, a Postal Administration finds itself obliged to suspend its services temporarily either wholly or in part, it is bound to notify the fact immediately, if need be by telegram, to the Administration or Administrations concerned.

Charges

Art. 37. 1. The charges and fees for the various international postal services are fixed by the Convention and the Agreements.

2. No postal charge, surcharge or fee of any kind may be imposed other than those which are prescribed in the Convention and Agreements.

Free postage

Art. 38. 1. Correspondence relating to the postal service is exempted from all postal charges if exchanged between the following:

- (a) postal Administrations,
- (b) postal Administrations and the International Bureau,

- (c) post offices of the countries of the Union,
- (d) post offices and postal Administrations.

2. Items for which free conveyance is expressly laid down by the provisions of the Convention, the Agreements and their Detailed Regulations are also exempted from all postal charges.

Free postage for items relating to prisoners of war and civilian internees

Art. 39. 1. Correspondence, insured letters and boxes, postal parcels and postal money orders addressed to or sent by prisoners of war, either directly or through the Information Bureaux and the Central Prisoner of War Information Agency prescribed in Articles 122 and 123 respectively of the Geneva Convention of the 12th of August, 1949, relative to the treatment of prisoners of war, are exempted from all postal charges. Belligerents apprehended and interned in a neutral Country are classed as prisoners of war properly so called so far as the application of the foregoing provisions is concerned.

2. The provisions of § 1 apply also to items of correspondence, insured letters and boxes, postal parcels and postal money orders originating in other Countries and addressed to or sent by civilian internees as defined by the Geneva Convention of the 12th of August, 1949, relative to the protection of civilian persons in time of war, either directly or through the Information Bureaux and the Central Information Agency prescribed in Articles 136 and 140 respectively of that Convention.

3. The National Information Bureaux and the Central Information Agencies mentioned above also enjoy exemption from postage in respect of correspondence, insured letters and boxes, postal parcels and postal money orders concerning the persons referred to in § § 1 and 2, which they send or receive, either directly or as intermediaries, under the conditions laid down in those paragraphs.

4. Parcels are admitted free of postage up to a weight of 5 kgs. The weight limit is increased to 10 kgs. in the case of parcels whose contents cannot be split up and of parcels addressed to a camp or the prisoners' representatives there ("*hommes de confiance*") for distribution to the prisoners.

Free postage for literature for the blind

Art. 40. Literature for the blind, including letters in writing used by the blind posted unsealed, is exempted from the prepayment of postage as well as the special fees for registration, advice of delivery, express, enquiry and cash on delivery.

Monetary standard

Art. 41. The franc adopted as the monetary unit in the provisions of the Convention and the Agreements is the gold franc of 100 centimes of a weight of 10/31 of a gramme and of a fineness of 0.900.

Settlement of accounts

Art. 42. Settlements between Administrations of international ac-

counts arising from postal traffic may be regarded as current transactions and made in accordance with the current international obligations of the Countries concerned, when there are agreements to this effect. In the absence of such agreements, accounts are settled in accordance with the provisions of the Detailed Regulations.

Equivalents

Art. 43. In each Country, the charges are fixed on the basis of the closest possible equivalent of the value of the franc in the currency of the Country.

Postage stamps

Art. 44. The postal Administrations of the Union issue postage stamps for the prepayment of postage. Each new issue of stamps is reported with the necessary information to all the other postal Administrations of the Union through the intermediary of the International Bureau.

Forms

Art. 45. 1. Forms for the use of Administrations in their relations with one another shall be drawn up in French with or without an interlinear translation in another language, unless the Administrations concerned arrange otherwise by direct agreement.

2. Forms for the use of the public shall bear an interlinear translation in French when they are not printed in that language.

3. The texts, colors and sizes of the forms which are the subject of §§ 1 and 2 shall be as prescribed in the Detailed Regulations of the Convention and of the Agreements.

Postal identity cards

Art. 46. 1. Each Administration may issue, to persons who apply for them, postal identity cards valid as proof of identity for every kind of post office business in the Countries which have not notified their refusal to admit them.

2. The Administration which issues a card is authorized to levy, on this account, a charge which must not exceed 70 centimes.

3. Administrations are relieved of all responsibility when it is established that the delivery of a postal item or the payment of a money order was made on the presentation of a genuine card. Moreover, they are not responsible for consequences arising from the loss, theft or fraudulent use of a genuine card.

4. A card is valid for a period of five years from the date of issue.

CHAPTER II.—PENAL MEASURES

Undertakings regarding penal measures

Art. 47. The Governments of member-Countries undertake to adopt or to propose to the legislatures of their Countries the necessary measures:

(a) for punishing the counterfeiting of postage stamps, even if withdrawn from circulation, of international reply coupons and of postal identity cards,

(b) for punishing the use or the putting into circulation:

(i) of counterfeit postage stamps (even if withdrawn from circulation) or used postage stamps, as well as of counterfeit or used impressions of postal franking machines or printing presses;

(ii) of counterfeit international reply coupons;

(iii) of counterfeit postal identity cards;

(c) for punishing the fraudulent use of genuine postal identity cards;

(d) for prohibiting and suppressing the fraudulent manufacture and the putting into circulation of impressed or adhesive stamps in use in the postal service, counterfeited or imitated in such a manner that they could be mistaken for the impressed or adhesive stamps issued by the Administration of one of the member-Countries;

(e) for preventing and, if necessary, for punishing the insertion in postal items of opium, morphine, cocaine or other narcotics as well as explosive or easily inflammable substances, where their insertion has not been expressly authorized by the Convention and the Agreements.

PART II.—PROVISIONS CONCERNING THE LETTER POST

CHAPTER I.—GENERAL PROVISIONS

Correspondence

Art. 48. The term correspondence applies to letters, single and reply-paid postcards, commercial papers, printed papers, literature for the blind, samples of merchandise, small packets and "Phonopost" items.

Charges and general conditions

Art. 49. 1. The charges to be prepaid for the conveyance of correspondence throughout the entire extent of the Union, together with the limits of weight and size, are fixed in accordance with the table below. Except in the cases provided for in Article 50, § 3 these charges cover delivery of the correspondence to the place of address to the extent that a delivery service is organized in the Country of destination.

2. The limits of weight and size fixed in § 1 do not apply to the correspondence sent on postal service which is the subject of Article 38.

3. Perishable biological substances packed and labelled in accordance with the conditions stipulated in the Detailed Regulations are subject to the ordinary tariff for letters and may only be exchanged between officially recognised, qualified laboratories. This exchange is, moreover, restricted to those countries which have declared their willingness to admit such items, whether reciprocally or in one direction only.

4. Each Administration has the option of conceding a reduction of 50 per cent. of the ordinary tariff for printed papers to newspapers and periodicals published in its Country, whilst reserving the right to restrict this reduction to newspapers and periodicals which fulfil the conditions required for transmission at the tariff for newspapers in its internal service. Commercial printed papers such as catalogues, prospectuses,

price lists, etc., are excluded from this reduction, no matter how regularly they are issued; the same applies to advertisement slips annexed to newspapers and periodicals.

Category 1	Unit of weight 2	Charge 3	Limits	
			of weight 4	of size 5
Letters. first weight step each succeeding step	g. 20	c. 25 15	2 kg.	Maxima. length, width and depth combined: 90 cm., but the greatest dimension may not exceed 60 cm. In roll form: length plus twice the diameter, 100 cm., but the greatest dimension may not exceed 80 cm. Minima. having a surface measuring not less than 10 × 7 cm. in roll form: length plus twice the diameter: 17 cm., but the greatest dimension may not be less than 10 cm. Items with a size less than the minimum set out above are nevertheless admitted if they bear a rectangular address label of cardboard or strong paper of which the two adjacent sides measure not less than 16 cm., and the smaller side is not less than 4 cm.
Postcards single reply-paid	— —	15 30	— —	Maxima. 15 × 10.5 cm. Minima. as for letters.
Commercial papers first weight step each succeeding step Minimum charge	50 — — —	— 10 5 25	2 kg.	
Printed papers first weight step each succeeding step	50 — —	— 10 5	3 kg. (for books: 5 kg.; this limit of weight may be raised to 10 kg. after agreement between the Administrations concerned)	As for letters,
Literature for the blind Samples of merchandise first weight step each succeeding step Minimum charge	see Article 40 50 — — —	— — 10 5 25	7 kg. 500 g.	
Small packets Minimum charge	50 —	10 50	1 kg.	Maxima: length, width and depth combined: 60 cm., but the greatest dimension may not exceed 26 cm. Minima. as for letters.
"Phonopost" items first weight step each succeeding step	20	18 12	300 g	

5. Administrations may likewise concede the same reduction for books and pamphlets, sheets of music and maps, provided they contain no publicity matter or advertisement other than that appearing on the cover or the fly leaves.

6. Despatching Administrations admitting the principle of the 50 per cent. reduction reserve to themselves the option of fixing a minimum

charge for the items mentioned in §§ 4 and 5 above, which, while remaining within the limits of the 50 per cent. reduction, is not lower than the rate that applies in their internal service to newspapers and periodicals on the one hand, and ordinary printed matter on the other.

7. Items other than registered letters in a closed envelope may not contain coin, bank notes, currency notes or securities of any kind payable to bearer, platinum, gold or silver, manufactured or not, precious stones, jewels and other valuable articles.

8. Administrations of Countries of origin and of destination have the option of dealing, according to their internal legislation, with letters containing documents having the character of current and personal correspondence addressed to persons other than the addressee or persons living with the addressee.

9. Except as provided for in the Detailed Regulations, commercial papers, printed papers, literature for the blind, samples of merchandise and small packets—

(a) should be made up in such a manner that they may be easily examined;

(b) must not bear any inscription or contain any document having the character of current or personal correspondence;

(c) must not contain any postage stamp or form of prepayment, whether cancelled or not, or any paper representing a monetary value.

10. Samples of merchandise must not contain any article having a saleable value.

11. The small packets and "Phonopost" items services are restricted to those Countries which have announced their willingness to exchange such items, whether reciprocally or in one direction only.

12. The combining in one item of correspondence of different categories (grouped categories) is authorized under the conditions laid down in the Detailed Regulations.

13. Apart from the exceptions allowed by the Convention and its Detailed Regulations, items not fulfilling the conditions laid down in the present Article and the corresponding Articles of the Detailed Regulations are not forwarded. Items which have been wrongly admitted should be returned to the Administration of origin. Nevertheless, the Administration of destination may deliver them to the addressees. In that event it applies to them, as necessary, the charges and surcharges prescribed for the category of correspondence to which they belong by reason of their contents, weight or size. Items whose weights exceed the maximum limits laid down in § 1 may be charged according to their actual weight.

Special charges

Art. 50. 1. Administrations are authorized to impose an additional charge, according to the provisions of their legislation, on items presented for forwarding after the prescribed time.

2. Items addressed *poste restante* may be subjected by Administrations of Countries of destination to the special charge if any prescribed by their legislation for items of the same kind in their internal service.

3. Administrations of Countries of destination are authorized to levy a special charge not exceeding 40 centimes on each small packet delivered to the addressee. This charge may be increased by 20 centimes, at most, when the item is delivered to the place of address.

Storage fee

Art. 51. The Administration of destination is authorized to collect the storage fee adopted in its internal service for printed papers weighing more than 500 grammes, of which the addressee has not taken delivery within the period during which they are held at his disposal free of charge.

Prepayment of postage

Art. 52. 1. As a general rule, all the items mentioned in Article 48 with the exception of literature for the blind, are to be fully prepaid by the sender.

2. Unpaid or underpaid items other than letters and single postcards are not forwarded, nor are reply-paid postcards of which the two halves are not fully prepaid at the time of posting.

3. When unpaid or underpaid letters or single postcards are posted in great number, the Administration of the Country of origin is at liberty to return them to the sender.

Methods of prepaying postage

Art. 53. 1. Prepayment of postage is effected either by means of postage stamps printed on or affixed to the items and valid in the Country of origin for the correspondence of private individuals or by means of impressions of postal franking machines officially adopted and working under the immediate control of the Administration or by means of impressions by a printing press or by any other process when such a system is authorized by the internal regulations of the Administration of origin.

2. The following are considered as duly prepaid: reply postcards bearing postage stamps, printed or affixed, of the Country of issue, items properly prepaid for their first transmission and on which the complementary charge has been paid before their redirection, as well as newspapers or packets of newspapers and periodicals which bear on the address side the indication "*Abonnements-poste*" and which are sent under the Agreement concerning Subscriptions to Newspapers and Periodicals.

Prepayment of postage on board ship

Art. 54. 1. In the absence of other arrangements between the Administrations concerned, the postage on correspondence posted on board ship on the high seas may be prepaid by means of the postage stamps and according to the tariff of the Country to which the ship belongs or by which it is maintained.

2. If the posting on board takes place during the stay at one of the two terminal points of the voyage or at any intermediate port of call, prepay-

ment of postage is valid only if it is effected by means of the postage stamps and according to the tariff of the Country in whose waters the ship is lying.

Charge on unpaid or underpaid correspondence

Art. 55. 1. Apart from the exceptions laid down in Article 68, § 6 for registered items and in Article 153, § § 3, 4 and 5 of the Detailed Regulations for certain classes of redirected items, unpaid or underpaid letters and single postcards are liable to a charge equal to double the amount of the deficient postage, to be paid by the addressees; but that charge may not be less than 5 centimes.

2. The same treatment may be applied in similar circumstances to other items of correspondence which have been incorrectly forwarded to the Country of destination.

International reply coupons

Art. 56. 1. International reply coupons are placed on sale in the Countries of the Union.

2. Their selling price is fixed by the Administrations concerned; but it may not be less than 40 centimes or the equivalent in the currency of the Country of sale.

3. Each coupon is exchangeable in any Country for a stamp or stamps representing the postage prepayable on an unregistered single-rate letter for abroad from that Country. On presentation of a sufficient number of reply coupons Administrations shall supply the postage stamps necessary for prepaying an unregistered letter weighing not more than 20 grammes for despatch by air.

4. Furthermore, each Country reserves the right to demand that the coupons and the items of correspondence to be prepaid by the exchange of coupons shall be presented at the same time.

Express items

Art. 57. 1. At the sender's request items of correspondence are sent out for delivery to an address by special messenger immediately after arrival in those Countries where the Administration agrees to undertake the service.

2. These items called "express" are subject, in addition to the ordinary postage, to a special charge which may not be less than the amount of postage prepayable on an unregistered single-rate letter and not more than 60 centimes or the amount of the charge applied by the Country of origin in its internal service, if this is higher. This charge is to be fully paid in advance.

3. The special charge envisaged in § 2, can be validly paid for the express delivery of the reply half of a postcard only by the sender of that half.

4. When the address of the addressee is situated outside the local delivery area of the office of destination, express delivery may give rise to

the collection by the Administration of destination of an additional charge not greater than that fixed for items of the same kind in the internal service. Express delivery is, however, not obligatory in this case.

5. Express items on which the total amount of the charges payable in advance has not been prepaid are delivered in the ordinary way unless they have been treated as express by the office of origin. In that case, they are charged in accordance with the provisions of Article 55.

6. Administrations are at liberty to consider themselves bound to make not more than one attempt at express delivery. If that attempt fails, the item may be treated as an ordinary item.

7. If the regulations of the Country of destination permit, addressees may ask the delivery office to deliver to them by express any registered or other items which come to hand for them. In that case the Administration of destination is authorized to collect, at the time of delivery, the charge that applies in its internal service.

Withdrawal from the post. Alteration of address

Art. 58. 1. The sender of an item of correspondence may have it withdrawn from the post or have its address altered, so long as the item:

- (a) has not been delivered to the addressee,
- (b) has not been confiscated or destroyed by the competent authorities because of infringement of the provisions of Article 60,
- (c) has not been seized by virtue of the internal legislation of the Country of destination.

2. The request to be made to this effect is forwarded by post or by telegraph at the expense of the sender who should pay, for each request, a charge not exceeding 40 centimes in addition to the registration fee. If the request is to be forwarded by air or by telegraph, the sender shall pay in addition the corresponding air-mail surcharge or the charge of the telegram. In addition, if the sender wishes to be informed by air or by telegraph of the action taken by the office of destination following his request for withdrawal from the post or alteration of the address, he shall pay for this purpose the relative air mail surcharge or charge for the telegram.

3. Only one of the charges or surcharges prescribed in § 2 is levied in respect of a request for withdrawal from the post or alteration of address concerning several items posted at the same time at the same office by the same sender to the same addressee.

4. A request for simple correction of address (without alteration of the name or status of the addressee) may be addressed directly to the office of destination by the sender, that is to say, without compliance with the formalities and without payment of the charges prescribed in §§ 2 and 3.

Redirection. Undeliverable items

Art. 59. 1. If an addressee changes his address, items of correspondence are redirected to him forthwith unless the sender has forbidden redirection by means of a note to that effect on the address side in a

language known in the Country of destination. Nevertheless, redirection from one Country to another is effected only if the items satisfy the conditions required for the further conveyance. If the items of correspondence are, at the request of the sender or the addressee, to be redirected or returned by air, the stipulations of articles 4 and 9, § 2 and 3, of the Air Mail Provisions apply by analogy.

2. Undeliverable correspondence should be returned forthwith to the Country of origin.

3. The period of retention for correspondence retained at the disposal of the addressees or addressed *poste restante* is fixed by the regulations of the Country of destination. As a general rule, however, this period must not exceed one month, except in particular cases when the Administration of destination considers it necessary to prolong it up to a maximum of two months. Return to the Country of origin should take place within a shorter period if the sender has requested it by a note on the address side in a language known in the Country of destination.

4. Printed papers of no value are not returned, unless the sender has asked for their return by means of a note on the outside of the item in a language known in the Country of destination. Registered printed papers ought always to be returned.

5. Except as provided in the Detailed Regulations, the redirection of items of correspondence from Country to Country or their return to the Country of origin does not give rise to the collection of any supplementary charge.

6. Redirected or undeliverable correspondence is delivered to the addressees or senders against payment of the charges raised on departure, on arrival, or in course of transmission due to redirection after the first transmission, without prejudice to the payment of Customs duty or other special charges which the Country of destination does not cancel.

7. In the event of redirection to another Country or of non-delivery, the *poste restante* fee, the Customs clearance fee, the commission fee, the additional express charge and the special fee for delivery of small packets to the addressees are cancelled.

Prohibitions

Art. 60. 1. The forwarding of the following articles is prohibited:—

(a) articles which, by their nature or their packing, may expose officials to danger, or soil or damage correspondence (see also letter 8);

(b) articles subject to customs duty (apart from the exceptions mentioned in Article 61) and samples sent in quantities with the intention of avoiding payment of this duty,

(c) opium, morphine, cocaine and other narcotics;

(d) articles of which the importation or the circulation is prohibited in the Country of destination;

(e) living animals, except—

(i) bees, leeches and silkworms;

(ii) parasites and destroyers of noxious insects intended for the control of those insects and exchanged between officially recognized institutions;

(f) explosive, inflammable or dangerous substances;

(g) dangerous substances: nevertheless the perishable biological substances mentioned in article 49, § 3 are not considered dangerous;

(h) obscene or immoral articles.

2. Items containing articles mentioned in § 1 which have been wrongly admitted to the post are dealt with in accordance with the internal legislation of the Country of the Administration establishing their presence.

3. Nevertheless, the articles referred to in § 1, (c), (f) (g) and (h) are in no circumstances forwarded to their destination, delivered to the addressees or returned to origin.

4. In cases where items wrongly admitted to the post are neither returned to origin nor sent on to the addressee, the Administration of origin shall be informed exactly how they have been dealt with.

5. Moreover, every Country reserves the right to deny conveyance to items in transit à découvert over its territory, other than letters and post-cards, which do not satisfy the legal requirements governing the conditions of their publication or circulation in that Country. Such items should be returned to the Administration of the Country of origin.

Articles subject to Customs duty

Art. 61. 1. Small packets and printed papers subject to customs duty are admitted.

2. The same applies to letters and samples of merchandise containing articles subject to customs duty where the Country of destination has given its consent. Nevertheless, each Administration has the right to restrict to the registered letter service letters containing articles subject to customs duty.

3. Consignments of serums, vaccines, perishable biological substances and also of medicines urgently required and difficult to obtain, are admitted in every case.

Customs control

Art. 62. The Administration of the Country of destination is authorized to submit to customs control the items mentioned in Article 61, and, if necessary, to open them as a matter of course.

Customs clearance fee

Art. 63. Items submitted to customs control in the Country of destination may be subjected on this account to a customs clearance fee not exceeding 40 centimes per item as a postal charge when they are found to be liable to customs duty.

The amount of this customs clearance fee may be increased to 1 gold franc for the items mentioned in Article 164 § 19 of the Detailed Regulations which exceed the weight limits prescribed in Article 49 § 1.

Customs duty and other non-postal fees

Art. 64. Postal Administrations are authorized to collect from the addressees of the items the customs duties and all other non-postal fees which may be due.

Items for delivery free of charges

Art. 65. 1. In the service between those Countries which have notified

their agreement to that effect, the senders may by means of a previous declaration at the office of origin undertake to pay the whole of the postal and non-postal charges to which the items are subject on delivery. So long as an item has not been delivered to the addressee the sender may ask, after posting and on payment of a charge not exceeding 40 centimes, that the item be delivered free of charges. If the request is to be forwarded by air or by telegraph, the sender shall pay in addition the appropriate air-mail surcharge or the charge for the telegram.

2. In the cases provided for in § 1, senders shall undertake to pay the amounts which may be claimed by the office of destination and, if necessary, to pay a sufficient deposit.

3. The Administration of destination is authorized to collect a commission fee not exceeding 40 centimes per item. This fee is independent of that prescribed in Article 63.

4. Every Administration has the right to restrict the service of delivery free of charges to registered items.

Cancellation of Customs duty and other non-postal fees

Art. 66. Postal Administrations undertake to use their good offices with the appropriate services in their Country with a view to the cancellation of the customs duty and other non-postal fees on items returned to origin, destroyed because of complete damage of the contents or redirected to a third Country.

Enquiries and requests for information

Art. 67. 1. Enquiries are entertained within a period of a year from the day after that on which the item was posted.

2. Enquiries initiated by an Administration are in order and must be dealt with, provided only that they reach the Administration concerned within eighteen months from the date of posting of the items under enquiry.

3. Each Administration is bound to accept enquiries and requests for information relating to any item posted in the service of another Administration.

4. Unless the sender has already paid the special fee for an advice of delivery, each enquiry or request for information may be subject to payment of a fee not exceeding 60 centimes. Enquiries and requests for information are forwarded as a matter of course by the quickest available means (air or surface). If a request is made for transmission by telegraph, the cost of the telegram and, where appropriate, of the reply is collected in addition to the enquiry fee.

5. If the enquiry or request for information relates to several items posted at the same time at the same office by the same sender addressed to the same addressee, only one fee is levied. If, however, the matter is one of registered items which were at the sender's request to have been forwarded by different means, a separate fee is levied for each of the means used.

6. If an enquiry or request for information has been occasioned by a service error, the fee collected for it is refunded.

CHAPTER II.—REGISTERED ITEMS

Charges

Art. 68. 1. The items of correspondence specified in Article 48 may be sent as registered items.

2. The charge on every registered item shall be paid in advance. It is made up of—

- (a) the ordinary postage according to the category of the item;
- (b) a fixed registration fee not exceeding 40 centimes.

3. The fixed registration fee on the reply half of a postcard can be validly paid only by the sender of that half.

4. A receipt shall be handed over free of charge to the sender of a registered item at the time of posting.

5. Administrations of Countries prepared to cover risks arising from causes beyond control are authorised to levy a special charge not exceeding 40 centimes for each registered item.

6. Unpaid or underpaid registered items which have been incorrectly forwarded to the Country of destination are liable to a charge, to be paid by the addressee, equal in amount to the deficient postage.

Advice of delivery

Art. 69. 1. The sender of a registered item may apply for an advice of delivery on payment at the time of posting of a fixed fee not exceeding 40 centimes. This advice is sent to him by air if he pays, in addition to the fixed fee mentioned, an additional fee not exceeding the air surcharge corresponding to the weight of the form.

2. An advice of delivery may be applied for after posting within the period of one year and under the conditions laid down in Article 67.

3. When the sender enquires about an advice of delivery which he has not received within a reasonable time, neither a second advice of delivery fee nor the fee prescribed in Article 67 for enquiries and requests for information is charged.

Delivery to the addressee in person

Art. 70. 1. In the service between those Administrations which have given their consent registered items of correspondence that are accompanied by an advice of delivery are, at the sender's request, delivered to the addressee in person.

2. Administrations are bound to make two attempts to deliver such items.

Responsibility

Art. 71. 1. Administrations are answerable for the loss of registered items.

2. The sender is entitled on this account to an indemnity the amount of which is fixed at 25 francs per item.

Non-responsibility

Art. 72. Postal Administrations are not responsible—

1. for the loss of registered items —

(a) in circumstances beyond control. The Country in whose service the loss occurs should decide in the light of its internal legislation whether the loss is due to circumstances attributable to a cause beyond control; these are notified to the Country of origin. Nevertheless responsibility still rests with the despatching Administration if it has undertaken to cover risks arising from causes beyond control (Article 68, § 5);

(b) when they cannot account for items owing to the destruction of official records through a cause beyond control, provided that proof of their responsibility has not been otherwise established;

(c) where it is a question of items whose contents fall within the prohibitions specified in Article 49, §§ 7 and 9 (c), and 60, § 1;

(d) when the sender has made no enquiry within the period of one year prescribed in Article 66;

2. for registered items which they have delivered according either to the conditions laid down for items of the same kind in their internal regulations or to those set out in Article 45, § 3;

3. for items confiscated under the internal legislation of the Country of destination.

Apportionment of responsibility between Administrations

Art. 73. 1. Until the contrary is proved, responsibility for the loss of a registered item rests with the Administration which, having received it without comment and being furnished with all the prescribed means of enquiry, cannot prove either delivery to the addressee or, where appropriate, regular transfer to the next Administration.

2. Until the contrary is proved and subject to the provisions of § 3, an intermediate Administration or the Administration of destination is relieved of all responsibility—

(a) when it has observed the provisions of Article 34 of the Convention and Articles 162, § 2, and 163, § 4, of the Detailed Regulations;

(b) when it can prove that it was not informed of the enquiry until after the destruction of the official records relating to the item in question, the period of retention prescribed in Article 119 of the Detailed Regulations having expired; this reservation does not prejudice the rights of the enquirer.

3. If, however, the loss occurs in course of conveyance and it is impossible to establish in which Country's territory or service the loss took place, the Administrations concerned bear the loss equally.

4. When a registered item has been lost in circumstances beyond control, the Administration in whose territory or service the loss occurred is not responsible to the despatching Administration unless the two Countries undertake to cover risks arising out of causes beyond control.

5. The customs duty and other charges of which it has not been possible

to secure cancellation are borne by the Administrations responsible for the loss.

6. An Administration which has paid the indemnity takes over the rights, up to the amount of the indemnity, of the person who has received it in any action which may be taken against the addressee, the sender or third parties.

Payment of indemnity

Art. 74. Subject to its right to make a claim on the Administration which is responsible, the Administration to which the office of posting belongs must pay the indemnity.

Period for payment of the indemnity

Art. 75. 1. The indemnity shall be paid as soon as possible and at the latest within a period of six months from the day following the date of the enquiry.

2. If the Administration of origin does not undertake to cover risks arising out of causes beyond control it may postpone settlement of the indemnity beyond the period prescribed in § 1, when the question whether the loss of the item is due to such causes has not been decided.

3. The Administration of origin is authorized to settle with the sender at the expense of the Administration, whether intermediate or of destination, which duly informed has allowed six months to pass without settling the matter. A longer period is permitted if the loss appears to be due to a cause beyond control; this fact is, in any case, to be communicated to the Administration of origin.

Reimbursement of the indemnity to the despatching Administration

Art. 76. 1. The Administration which is responsible or on whose account payment is made in accordance with Article 74 is bound to reimburse the despatching Administration for the amount of the indemnity actually paid to the sender, within four months from the date of despatch of the notice of payment.

2. If the indemnity is to be borne by several Administrations in accordance with Article 73, the whole of the indemnity due shall be paid to the despatching Administration within the period mentioned in § 1 by the first Administration which, having duly received the item under enquiry, is unable to prove its regular transfer to the next service. It rests with this Administration to recover from the other Administrations responsible the share falling to each one of them of the indemnity paid to the entitled person.

3. The Administration making payment is reimbursed in accordance with the rules for payment prescribed in Article 42.

4. When responsibility is admitted, as well as in the case provided for in Article 75, § 3, the amount of indemnity may also be recovered as a matter of course from the Country responsible by means of an account,

either directly or through the intermediary of an Administration which exchanges accounts regularly with the Administration responsible.

5. The Administration of origin may only claim reimbursement from the Administration responsible within one year from the date of despatch of the notice of payment to the sender.

6. The Administration whose responsibility is duly proved and which has at first declined to pay the indemnity shall assume all additional costs resulting from the unwarranted delay in payment.

7. Administrations may agree to settle periodically for the indemnities which they have paid to the senders and which they have accepted as justified.

Subsequent discovery of a registered item considered as lost

Art. 77. 1. In the event of the subsequent discovery of a registered item or part of the item considered as lost, the sender and the addressee are informed of the fact.

2. The sender is further informed that he may take delivery of it within a period of three months on repayment of the amount of the indemnity received. If by the end of that period the sender has not claimed the item, the addressee is notified that he may take delivery of it within a similar period on payment of the sum paid to the sender.

3. If the sender or the addressee takes delivery of the item after repayment of the amount of the indemnity, that sum is refunded to the Administration or where appropriate the Administrations which bore the loss.

4. If the sender and the addressee refuse to take delivery of the item, it becomes the property of the Administration or where appropriate the Administrations which paid the indemnity.

CHAPTER III.—ALLOCATION OF CHARGES. TRANSIT CHARGES

Allocation of charges

Art. 78. Except where expressly provided by the Convention and the Agreements each Administration retains the whole of the charges which it has collected.

Transit charges

Art. 79. 1. Subject to the provisions of Article 80, closed mails exchanged between two Administrations or between two offices of the same Country by means of the services of one or more other Administrations (third party services) are subject, in favor of each of the Countries across whose territory or by whose services they are carried, to the transit charges indicated in the table below. These charges are payable by the Administration of the Country of origin of the mail. Nevertheless, costs of conveyance between two offices of the Country of destination are payable by that Country.

Distance traversed		Charge per kg. gross
1		2
(i) <i>Distances traversed by land</i>		<i>Fr.c.</i>
Up to 300 kms.		0.07
Above 300 up to 600 kms.		0.12
" 600 " " 1,000 "		0.17
" 1,000 " " 1,500 "		0.24
" 1,500 " " 2,000 "		0.32
" 2,000 " " 2,500 "		0.39
" 2,500 " " 3,000 "		0.46
" 3,000 " " 3,800 "		0.55
" 3,800 " " 4,600 "		0.66
" 4,600 " " 5,500 "		0.77
" 5,500 " " 6,500 "		0.90
" 6,500 " " 7,500 "		1.03
" 7,500 by each additional 1000		0.15

(ii) *Distances traversed by sea*

a) expressed in nautical miles	b) expressed in kilometres converted on the basis of one nautical mile = 1.852 km	
Up to 300 nautical miles	Up to 556 km	0.12
Above 300 up to 600	Above 556 up to 1111 . .	0.17
" 600 " 1000	" 1111 " 1852 . .	0.21
" 1000 " 1500	" 1852 " 2778 . .	0.24
" 1500 " 2000	" 2778 " 3704 . .	0.27
" 2000 " 2500	" 3704 " 4630 . .	0.30
" 2500 " 3000	" 4630 " 5556 . .	0.32
" 3000 " 3500	" 5556 " 6482 . .	0.34
" 3500 " 4000	" 6482 " 7408 . .	0.36
" 4000 " 5000	" 7408 " 9260 . .	0.38
" 5000 " 6000	" 9260 " 11112 . .	0.41
" 6000 " 7000	" 11112 " 12964 . .	0.44
" 7000 " 8000	" 12964 " 14816 . .	0.46
" 8000	" 14816	0.48

2. In the absence of other arrangements direct sea conveyance between two Countries by the ships of one of them is regarded as a third party service.

3. So far as the payment of transit charges is concerned, missent mails are considered to have followed their normal route.

4. Sea transit begins when the mails are deposited on the quay serving the ship in the port of departure and ends when they are delivered on the quay of the port of destination.

5. So far as the payment of transit charges is concerned, missent mails are considered to have followed their normal route; consequently, administrations concerned in the conveyance of such mails are not entitled on that account to demand a payment from the despatching Administration, but the latter remain liable for the appropriate transit charges to the Countries whose services they normally use.

Exemption from transit charges

Art. 80. Items exempted from postage under Articles 38 to 40 are exempted from all land or sea transit charges.

Extraordinary services

Art. 81. The transit charges specified in Article 79 are not applicable to conveyance by extraordinary services specially established or maintained by an Administration at the request of one or more other Administrations. The conditions of this class of conveyance are regulated by mutual consent between the Administrations concerned.

Accounting for transit charges

Art. 82. 1. The general accounting for transit charges is based on data from statistical returns taken once in every three years during a period of 14 days. This period is extended to 28 days for mails exchanged less than six times a week by the services of any one Country. The Detailed Regulations fix the incidence of the statistics and the duration of their application.

2. When the annual balance between two Administrations does not exceed 25 francs, the debtor Administration is exempted from any payment.

3. Every Administration is authorized to submit for the consideration of a committee of arbitrators the results of statistics which in its opinion differ too much from reality. The arbitration is arranged as laid down in Article 33.

4. The arbitrators are empowered to fix in a fair and reasonable manner the transit charges proper to be paid.

Exchange of closed mails with ships of war

Art. 83. 1. Closed mails may be exchanged between the post offices or any one of the member-Countries and the commanding officers of naval of air units or warships or military aircraft of the same Country stationed abroad or between the commanding officer of one of those naval or air units or of and shall remain in operation for an indefinite period.

2. Correspondence of every kind enclosed in these mails shall be confined to that addressed to or sent by the officers and crews of the ships or aircraft to or from which the mails are forwarded; the rates and conditions of despatch applicable to them are fixed, according to its internal regulations, by the postal Administration of the Country to which the ships or aircraft belong.

3. In the absence of other arrangements, the postal Administration of the Country to which the warships or military aircraft belong is accountable to the intermediate Administrations for the transit charges for the mails calculated in accordance with the provisions of Article 79.

PART III.—FINAL PROVISIONS

Entry into force and duration of the Convention

Art. 84. The present Convention shall come into force on the 1st of April 1959, and shall remain in operation for an indefinite period.

In faith whereof, the Plenipotentiaries of the Governments of the above-named Countries have signed the present Convention in a single copy which shall be in the Archives of the Government of Canada and of which a copy shall be delivered to each Party.

Done at Ottawa, the 3rd of October 1957.

FINAL PROTOCOL TO THE UNIVERSAL POSTAL CONVENTION

At the moment of proceeding to sign the Universal Postal Convention concluded this day, the undersigned Plenipotentiaries have agreed the following:

Exception to free postage for literature for the blind

Art. 1. Notwithstanding the provisions of Articles 40 and 49 those Countries which do not concede free postage to literature for the blind, including letters in writing used by the blind posted unsealed, in their internal service have the option of making a charge which must not in any event exceed the one in their internal service.

Equivalents. Maximum and minimum limits

Art. 2. 1. Each Country has the option of increasing by 60% or reducing by 20%, at most, the charges prescribed in Article 49, § 1, in accordance with the following table:

Category 1	Charges	
	Upper limit 2	Lower limit 3
	c.	c.
Letters {first weight step	40	20
{each succeeding step	24	12
Postcards {single	24	12
{reply-paid	48	24
Commercial papers {first weight step	16	8
{each succeeding step	8	4
Minimum charge	40	20
Printed papers {first weight step	16	8
{each succeeding step	8	4
Literature for the blind	—	—
Samples of merchandise {first weight step	16	8
{each succeeding step	8	4
Minimum charge	40	20
Small packets, per 50 grammes	16	8
Minimum charge	80	40
“Phonopost” items {first weight step	28.8	14.4
{each succeeding step	19.2	9.6

2. The charges adopted are, as far as possible, to bear the same proportions to one another as the basic charges, each Administration being free to round its charges up or down as the case may be according to the characteristics of its monetary system.

3. The tariff adopted by a Country applies to the charges to be collected on arrival in cases of non-payment or underpayment of postage.

4. Nevertheless Administrations which take advantage of the increase provided for in § 1 may fix the charges to be collected in cases of non-payment or underpayment of postage in accordance with the equivalent of the basic charges indicated in Article 49, § 1, and not with their increased outward charges.

Exceptions to the application of the tariff for commercial papers, printed papers and samples of merchandise

Art. 3. 1. Notwithstanding the provisions of Article 49, Countries have the right not to apply to commercial papers, printed papers and samples of merchandise the charge fixed for the first weight step, and to apply for that step the charge of 5 centimes; but they may apply a minimum charge of 10 centimes to samples of merchandise. In the case of grouped categories, the charge paid shall be the minimum charge for samples if the item consists of printed papers and samples.

2. Exceptionally, Countries are authorized to bring their international rates for commercial papers, printed papers and samples of merchandise up to those laid down by their internal legislation for similar items in their internal service.

Ounce avoirdupois

Art. 4. As an exceptional measure, Countries which by reason of their internal regulations are unable to adopt the metric-decimal system of weight are permitted the right to substitute for it the ounce avoirdupois (28.3465 grammes) taking one ounce as equivalent to 20 grammes for letters and "Phonopost" items and two ounces as equivalent to 50 grammes for commercial papers, printed papers, samples of merchandise and small packets.

Exception to the inclusion of articles of value in registered letters

Art. 5. Notwithstanding the provisions of Article 49, § 7, the postal Administrations of the United States of Brazil, Chile, the Republic of the Philippines and the Swiss Confederation are authorized not to admit in registered letters the articles of value mentioned in the said § 7.

Posting of correspondence abroad

Art. 6. A Country is not bound to forward or deliver to the addressees items which senders resident in its territory post or cause to be posted in a foreign Country with the object of profiting by the lower charges in force there; this applies also to such items posted in large quantities whether or

not such postings are made with a view to benefiting from lower charges. The rule is applied without distinction both to correspondence made up in the Country where the sender resides and then carried across the frontier and to correspondence made up in a foreign Country. The Administration concerned may either return the items in question to origin or tax them at its internal rates. The method by which the charges are collected is left to its discretion.

International reply coupons

Art. 7. Administrations are permitted not to undertake the sale of international reply coupons or to limit their sale.

Withdrawal from the post. Alteration of address

Art. 8. The provisions of Article 58 do not apply to the Union of South Africa, the Commonwealth of Australia, Burma, Canada, the United Kingdom of Great Britain and Northern Ireland, India, New Zealand and Pakistan, or to those of the British overseas Territories, including the Colonies, the Protectorates and the Territories under trusteeship exercised by the United Kingdom of Great Britain and Northern Ireland or to the Irish Republic, whose internal legislation does not permit the withdrawal from the post or the alteration of the address of correspondence at the sender's request.

Registration and advice of delivery fees

Art. 9. Countries which cannot fix their registration and advice of delivery fees at the levels prescribed in Articles 68, § 2 and 69, § § 1 and 2, are authorized to charge the fees fixed for their internal service.

Special transit charges for conveyance by the Trans-Siberian and Trans-Andine

Art. 10. 1. The postal Administration of the Union of Soviet Socialist Republics is authorized to collect a supplement of 1 franc 30 centimes in addition to the transit charges indicated in Article 79, § 1, 1° (table of distances traversed by land) for each kilogram of correspondence of every type conveyed in transit over the Trans-Siberian route.

2. The postal Administration of the Argentine Republic is authorized to charge a supplement of 30 centimes over and above the transit charges indicated in Article 79, § 1, 1° (table of distances traversed by land) for each kilogram of correspondence of every type conveyed in transit over the Argentine section of the "Ferrocarril Trasandino".

Special transit conditions for Afghanistan

Art. 11. Notwithstanding the provisions of Article 79, § 1, the Administration of Afghanistan is authorized provisionally, because of its special difficulties as regards means of conveyance and communication, to effect the transit of closed mails and à découvert correspondence across its

territory on conditions specially agreed with the Administrations concerned.

Special storage charges at Aden

Art. 12. Exceptionally, the Administration of Aden is authorised to collect a charge of 40 centimes per bag for all mails stored at Aden, provided that that Administration does not receive any fee in respect of land or sea transit for those mails.

Air services

Art. 13. 1. The Provisions concerning air mail are annexed to the Universal Postal Convention and are regarded as forming an integral part of it and of its Detailed Regulations.

Protocol left open to member-Countries for signature and accession

Art. 14. The Protocol remains open for the benefit of member-Countries whose representatives have today signed only the Convention or the Convention and one or more of the Agreements drawn up by the Congress, with the aim of allowing them to accede to the Agreements which they have not signed or to one or more of them.

Protocol left open to member-Countries not represented

Art. 15. The Protocol remains open to member-Countries not represented at the Congress, in order to allow them to accede to the Convention only, or to the Convention and the Agreements, or to the Convention and one or more of the Agreements concluded by the Congress.

Period for the notification of accessions

Art. 16. The accessions referred to in Articles 14 and 15 shall be notified in diplomatic form by the respective Governments to the Government of Canada and by that Government to the Governments of the other member-Countries of the Union. The period allowed to the said Governments for such notification expires on the 1st April 1959.

Executive and Liaison Committee

Art. 17. Notwithstanding the provisions of Article 84, the Executive and Liaison Committee is authorized to assume its functions before the entry into force of the Acts of Congress on the basis of the membership adopted by Congress in accordance with Article 16 § 3.

Consultative Committee for Postal Studies

Art. 18. Notwithstanding the provisions of Articles 20 and 84, the Consultative Committee for Postal Studies is authorized to function before the entry into force of the Acts of the Congress. The International Bureau is authorized to charge the resultant expenses to the extraordinary account for the year 1958.

In faith whereof, the undermentioned Plenipotentiaries have drawn up the present Protocol which shall have the same force and validity as if the provisions were inserted in the actual text of the Convention, and they have signed it in a single copy which shall lie in the Archives of the Government of Canada and of which a copy shall be delivered to each Party.

Done at Ottawa, the 3rd of October, 1957.

AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNIVERSAL POSTAL UNION

July 4, 1947

PREAMBLE

In consideration of the obligations placed upon the United Nations by Article 57 of the Charter of the United Nations, the United Nations and the Universal Postal Union agree as follows:

Art. 1. The United Nations recognizes the Universal Postal Union (hereinafter called the Union) as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

RECIPROCAL REPRESENTATION

Art. 2. 1. Representatives of the United Nations shall be invited to attend all the Union's congresses, administrative conferences and commissions, and to participate, without vote, in the deliberations of these meetings.

2. Representatives of the Union shall be invited to attend meetings of the Economic and Social Council of the United Nations (hereinafter called the Council), of its commissions and committees, and to participate, without vote, in the deliberations thereof with respect to items on the agenda in which the Union may be concerned.

3. Representatives of the Union shall be invited to attend the meetings of the General Assembly during which questions within the competence of the Union are under discussion, for purposes of consultation, and to participate, without vote, in the deliberations of the main committees of the General Assembly with respect to items concerning the Union.

4. Written statements presented by the Union shall be distributed by the Secretariat of the United Nations to the Members of the General Assembly, the Council and its commissions, and the Trusteeship Council, as appropriate. Similarly, written statements presented by the United Nations shall be distributed by the Union to its members.

PROPOSAL OF AGENDA ITEMS

Art. 3. Subject to such preliminary consultation as may be necessary, the Union shall include in the agenda of its congresses, administrative con-

ferences or commissions, or, as the case may be, shall submit to its members in accordance with the provisions of the Universal Postal Convention, items proposed to it by the United Nations. Similarly, the Council, its commissions and committees, and the Trusteeship Council shall include in their agenda items proposed by the Union.

RECOMMENDATIONS OF THE UNITED NATIONS

Art. 4. 1. The Union agrees to arrange for the submission as soon as possible, for appropriate action, to its congresses or its administrative conferences or commissions, or to its members, in conformity with the provisions of the Universal Postal Convention, of all formal recommendations which the United Nations may make to it. Such recommendations will be addressed to the Union and not directly to its members.

2. The Union agrees to enter into consultation with the United Nations, upon request, with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Union or by its members to give effect to such recommendations, or on the other results of their consideration.

3. The Union will co-operate in whatever further measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it will co-operate with any body which the Council may establish for the purpose of facilitating such co-ordination and will furnish such information as may be required for the carrying out of this purpose.

EXCHANGE OF INFORMATION AND DOCUMENTS

Art. 5. 1. Subject to such arrangements as may be necessary for the safe-guarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the Union.

2. Without prejudice to the generality of the provisions of the preceding paragraph:

(a) The Union shall submit to the United Nations an annual report on its activities;

(b) The Union shall comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in Article 11;

(c) The Union shall furnish written advice on questions within its competence as may be requested by the Trusteeship Council;

(d) The Secretary-General of the United Nations shall, upon request, consult with the Director of the International Bureau of the Union regarding the provision to the Union of such information as may be of special interest to it.

ASSISTANCE TO THE UNITED NATIONS

Art. 6. The Union agrees to co-operate with and to give assistance to

the United Nations, its principal and subsidiary organs, so far as is consistent with the provisions of the Universal Postal Convention.

As regards the Members of the United Nations, the Union agrees that in accordance with Article 103 of the Charter no provision in the Universal Postal Convention or related agreements shall be construed as preventing or limiting any State in complying with its obligations to the United Nations.

PERSONNEL ARRANGEMENTS

Art. 7. The United Nations and the Union agree to co-operate as necessary to ensure as much uniformity as possible in the conditions of employment of personnel, and to avoid competition in the recruitment of personnel.

STATISTICAL SERVICES

Art. 8. 1. The United Nations and the Union agree to co-operate with a view to securing the greatest possible usefulness and utilization of statistical information and data.

2. The Union recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the Union as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as it may be essential for its own purposes or for the improvement of statistics throughout the world.

ADMINISTRATIVE AND TECHNICAL SERVICES

Art. 9. 1. The United Nations and the Union recognize the desirability in the interests of the most efficient use of personnel and resources, of avoiding the establishment of competitive or overlapping services.

2. Arrangements shall be made between the United Nations and the Union with regard to the registration and deposit of official documents.

BUDGETARY ARRANGEMENTS

Art. 10. The annual budget of the Union shall be transmitted to the United Nations, and the General Assembly may make recommendations thereon to the Congress of the Union.

FINANCING OF SPECIAL SERVICES

Art. 11. In the event of the Union being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or information in accordance with Article 5 or with any other provisions of this agreement,

consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

INTER-AGENCY AGREEMENTS

Art. 12. The Union will inform the Council of the nature and scope of any agreement between the Union and any specialized agency or other inter-governmental organization, and further agrees to inform the Council of the preparation of any such agreements.

LIAISON

Art. 13. 1. The United Nations and the Union agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking in agreement whatever measures may be necessary to this end.

2. The liaison arrangements provided for in this agreement shall apply as far as is appropriate, to the relations between the Union and the United Nations, including its branch and regional offices.

IMPLEMENTATION OF THE AGREEMENT

Art. 14. The Secretary-General of the United Nations and the President of the Executive and Liaison Commission of the Union may enter into such supplementary arrangements for the implementation of this agreement as may be found desirable in the light of operating experience of the two organizations.

ENTRY INTO FORCE

Art. 15. This agreement is annexed to the Universal Postal Convention concluded in Paris in 1947. It will come into force after approval by the General Assembly of the United Nations, and, at the earliest, at the same time as this Convention.

REVISION

Art. 16. On six months notice given on either part, this agreement shall be subject to revision by agreement between the United Nations and the Union.

SUPPLEMENTARY AGREEMENT TO THE AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNIVERSAL POSTAL UNION

July 27, 1949

Whereas the Secretary-General of the United Nations has been requested by resolution 136 (VI) of the Economic and Social Council, adopted on 25 February 1948, to conclude with any specialized agency which may so

desire, a supplementary agreement to extend to the officials of that agency the provisions of article VII of the Convention on the Privileges and Immunities of the United Nations and to submit such supplementary agreement to the General Assembly for approval; and

Whereas the Universal Postal Union is desirous of entering into such supplementary agreement to the Agreement between the United Nations and the Universal Postal Union entered into under Article 63 of the Charter;

It is hereby agreed as follows:

Art. 1. The following provision shall be added as an additional article to the Agreement between the United Nations and the Universal Postal Union:

"The officials of the Universal Postal Union shall have the right to use the *laissez-passer* of the United Nations in accordance with special arrangements to be negotiated under article XIV."

Art. 2. This agreement shall come into force on its approval by the General Assembly of the United Nations and the Universal Postal Union.

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WARSAW TREATY ORGANIZATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

This Organization operates under a Treaty drawn up at a Conference of eight countries at Moscow in November-December 1954 and signed at Warsaw on May 14, 1955. The Treaty entered into force on June 6, 1955 following the deposit of the last instrument of ratification, in accordance with its Article 10.

The Treaty is drawn up for twenty years and, except for countries which give notice of termination one year before the expiration of that term, shall remain in force by tacit consent for a further ten years.¹ The Treaty is open for accession,² and it is also stated that it shall cease to have effect in the event of and as from the date of entry into force of a General European Treaty.³

FUNCTIONS AND POWERS OF THE ORGANIZATION

Article 1 states that the contracting parties "undertake, in accordance with the Charter of the United Nations, to refrain in their international relations from the threat or use of force and to settle their international disputes by peaceful means in such a manner that international peace and security are not endangered".

The parties undertake to consult together with a view to strengthening international peace and security and they shall immediately consult together with a view to providing for their joint defence whenever any one party considers that a threat of armed attack has arisen.⁴ In the event of such an attack, each party shall afford the state or states so attacked immediate assistance "in the exercise of the right of individual or collective self-defence, in accordance with Article 51 of the United Nations Charter."⁵

¹ Treaty, Art. 11.

² Id., Art. 9.

³ Id., Art. 11.

⁴ Id., Art. 3.

⁵ Id., Art. 4.

ORGANS

The organs are:

- (1) A Political Consultative Committee composed of representatives of all members.¹
- (2) Auxiliary organs as necessary.²
- (3) A Unified Command.³

MEMBERSHIP

The members are Albania, Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Roumania, USSR.

HEADQUARTERS

Its Headquarters are at the Ministry of Defence, Warsaw.

¹ Id., Art. 6.

² Id.,

³ Id., Art. 5.

TREATY OF FRIENDSHIP, CO-OPERATION AND MUTUAL ASSISTANCE¹

Warsaw, May 14, 1955

The Contracting Parties,

Reaffirming their desire to create a system of collective security in Europe based on the participation of all European States, irrespective of their social and political structure, whereby the said States may be enabled to combine their efforts in the interests of ensuring peace in Europe;

Taking into consideration, at the same time, the situation that has come about in Europe as a result of the ratification of the Paris Agreements, which provide for the constitution of a new military group in the form of a "West European Union", with the participation of a remilitarized West Germany and its inclusion in the North Atlantic bloc, thereby increasing the danger of a new war and creating a threat to the national security of peace-loving States;

Being convinced that in these circumstances the peace-loving States of Europe must take the necessary steps to safeguard their security and to promote the maintenance of peace in Europe;

Being guided by the purposes and principles of the Charter of the United Nations;

In the interests of the further strengthening and development of friendship, co-operation and mutual assistance in accordance with the principles of respect for the independence and sovereignty of States and of non-intervention in their domestic affairs;

Have resolved to conclude the present Treaty of Friendship, Co-operation and Mutual Assistance and have appointed as their plenipotentiaries:

Who, having exhibited their full powers, found in good and due form, have agreed as follows:

Art. 1. The Contracting Parties undertake, in accordance with the Charter of the United Nations, to refrain in their international relations from the threat or use of force and to settle their international disputes by peaceful means in such a manner that international peace and security are not endangered.

Art. 2. The Contracting Parties declare that they are prepared to participate, in a spirit of sincere co-operation, in all international action for ensuring international peace and security and will devote their full efforts to the realization of these aims.

In this connexion, the Contracting Parties shall endeavor to secure, in

¹ UN Treaty Series 1955.

agreement with other States desiring to co-operate in this matter, the adoption of effective measures for the general reduction of armaments and the prohibition of atomic, hydrogen and other weapons of mass destruction.

Art. 3. The Contracting Parties shall consult together on all important international questions involving their common interests, with a view to strengthening international peace and security.

Whenever any one of the Contracting Parties considers that a threat of armed attack on one or more of the States Parties to the Treaty has arisen, they shall consult together immediately with a view to providing for their joint defence and maintaining peace and security.

Art. 4. In the event of an armed attack in Europe on one or more of the States Parties to the Treaty by any State or group of States, each State Party to the Treaty shall, in the exercise of the right of individual or collective self-defence, in accordance with Article 51 of the United Nations Charter, afford the State or States so attacked immediate assistance, individually and in agreement with the other States Parties to the Treaty, by all the means it considers necessary, including the use of armed force. The States Parties to the Treaty shall consult together immediately concerning the joint measures necessary to restore and maintain international peace and security.

Measures taken under this Article shall be reported to the Security Council in accordance with the provisions of the United Nations Charter. These measures shall be discontinued as soon as the Security Council takes the necessary action to restore and maintain international peace and security.

Art. 5. The Contracting Parties have agreed to establish a Unified Command, to which certain elements of their armed forces shall be allocated by agreement between the Parties, and which shall act in accordance with jointly established principles. The Parties shall likewise take such other concerted action as may be necessary to reinforce their defensive strength, in order to defend the peaceful labour of their peoples, guarantee the inviolability of their frontiers and territories and afford protection against possible aggression.

Art. 6. For the purpose of carrying out the consultations provided for in the present Treaty between the States Parties thereto, and for the consideration of matters arising in connexion with the application of the present Treaty, a Political Consultative Committee shall be established, in which each State Party to the Treaty shall be represented by a member of the Government or by some other specially appointed representative.

The Committee may establish such auxiliary organs as may prove to be necessary.

Art. 7. The Contracting Parties undertake not to participate in any coalitions or alliances, and not to conclude any agreements, the purposes of which are incompatible with the purposes of the present Treaty.

The Contracting Parties declare that their obligations under international treaties at present in force are not incompatible with the provisions of the present Treaty.

Art. 8. The Contracting Parties declare that they will act in a spirit of friendship and co-operation to promote the further development and strengthening of the economic and cultural ties among them, in accordance with the principles of respect for each other's independence and sovereignty and of non-intervention in each other's domestic affairs.

Art. 9. The present Treaty shall be open for accession by other States, irrespective of their social and political structure, which express their readiness, by participating in the present Treaty, to help in combining the efforts of the peace-loving States to ensure the peace and security of the peoples. Such accessions shall come into effect with the consent of the States Parties to the Treaty after the instruments of accession have been deposited with the Government of the Polish People's Republic.

Art. 10. The present Treaty shall be subject to ratification, and the instruments of ratification shall be deposited with the Government of the Polish People's Republic.

The Treaty shall come into force on the date of deposit of the last instrument of ratification. The Government of the Polish People's Republic shall inform the other States Parties to the Treaty of the deposit of each instrument of ratification.

Art. 11. The present Treaty shall remain in force for twenty years. For Contracting Parties which do not, one year before the expiration of that term, give notice of termination of the Treaty to the Government of the Polish People's Republic, the Treaty shall remain in force for a further ten years.

In the event of the establishment of a system of collective security in Europe and the conclusion for that purpose of a General European Treaty concerning collective security, a goal which the Contracting Parties shall steadfastly strive to achieve, the present Treaty shall cease to have affect as from the date on which the General European Treaty comes into force.

Done at Warsaw, this fourteenth day of May 1955, in one copy, in the Russian, Polish, Czech and German languages, all the texts being equally authentic. Certified copies of the present Treaty shall be transmitted by the Government of the Polish People's Republic to all the other Parties to the Treaty.

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WESTERN EUROPEAN UNION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The "Brussels Treaty Organization" was established by the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence between Belgium, France, Luxembourg, the Netherlands and the United Kingdom signed at Brussels on March 17, 1948, and which entered into force on August 25, 1948.

The scope of this organization was greatly expanded in 1954, when the Brussels Treaty was amended by the Protocols signed in Paris on October 23, and when the Federal Republic of Germany and the Italian Republic acceded to it;¹ the organization then became the Western European Union. The modifying Protocols entered into force on May 6, 1955. They were the consequence of conferences held in London and Paris (after the French Chamber of Deputies had rejected the European Defence Community in August 1954) which resulted in the ending of the Occupation regime in the Federal Republic of Germany and in the accession of Western Germany to the North Atlantic Treaty Organization.²

The Revised Brussels Treaty includes, as did the former Brussels Treaty, undertakings for concerted mutual defence in the event of armed attack, "in accordance with the provisions of Article 51 of the Charter of the United Nations."³ The Revised Treaty, however, stipulates that the High Contracting Parties shall work in close co-operation with NATO, on whose military authorities the Council of Western European Union and its Agencies will rely for information and advice on military matters in order to avoid duplicating the military staff of that Organization.⁴

The Treaty provides that the Parties will settle all disputes falling within the scope of Article 36, para. 2 of the statute of the International

¹ Protocol No. I of the Agreements signed in Paris on October 23, 1954, Art. 1.

² For a full description of this see U.S. State Department Document "London and Paris Agreements Sept.-Oct. 1954; also State Department Bulletin, Nov. 15, 1954; and Statement of Secretary Dulles before the U.S. Senate Foreign Relations Committee, March 29, 1955.

³ Treaty, Art. 5.

⁴ Id., Art. 4.

Court of Justice, by referring them to the Court "subject only in the case of each of them, to any reservation already made by that Party when accepting this clause for compulsory jurisdiction to the extent that that Party may maintain in the reservation". It provides in addition that they will submit to conciliation all disputes outside the scope of Art. 36, para. 2 of the statute of the International Court.¹

The Revised Treaty, which contains also a provision for the accession of other states,² entered into force on May 6, 1955, the date of deposit of the last instruments of ratification and accession, as provided in Article 6 of Protocol No. I of the Paris Agreements. The text of the revised treaty specifies that it will remain in force for fifty years after the entering into force of the Original Brussels Treaty, and may be denounced thereafter by any of the Parties on one year's notice.³

An agreement concerning the status of Western European Union, national representatives and international staff, and conferring juridical personality to the Organization, was signed at Paris on May 11, 1955.

FUNCTIONS AND POWERS OF THE ORGANISATION

The High Contracting Parties undertake to organize and co-ordinate their economic activities,⁴ develop on corresponding lines the social and other related services⁵ and promote cultural understanding.⁶

In the military field, the Protocols of the Paris Agreements fix the total strength of the forces of member states on the mainland of Europe;⁷ they also concern the maintenance of United Kingdom Forces on the mainland⁸ and the control of armaments.⁹

ORGANS

The organs of Western European Union are:

(1) The Council,¹⁰ organized so as to be able to exercise its functions continuously and authorized to set up such subsidiary bodies as are necessary.

(2) The Assembly, composed of representatives of the Western European Union powers to the Consultative Assembly of the Council of Europe¹¹ to which the Council makes an annual report.

(3) The Secretariat-General.

Subsidiary bodies set up by the Council are the Control Agency, concerned with the control of armaments¹² which scrutinizes statistical

¹ Id., Art. 10.

² Id., Art. 11.

³ Id., Art. 12.

⁴ Id., Art. 1.

⁵ Id., Art. 2.

⁶ Id., Art. 3.

⁷ Protocol No. II on Forces of W.E.U. of the Paris Agreements.

⁸ Protocol No. II, Art. 6.

⁹ Protocol No. IV of the Paris Agreements.

¹⁰ Revised Brussels Treaty, Art. 8.

¹¹ Id., Art. 9.

¹² Id., Art. 8, par. 2, and Protocol No. IV.

and budgetary information and undertakes on the mainland of Europe checks, visits and inspections at production plants, depots and forces other than those under NATO authority,¹ and the Standing Armaments Committee established on May 7, 1955 which works in close co-operation with NATO.

MEMBERSHIP

The members are Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, the United Kingdom.

MEANS OF FINANCIAL SUPPORT

The Organization is supported by contributions of member governments.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

In addition to the aforementioned relations with NATO and the Council of Europe, the Organization collaborates with the United Nations specialized agencies, with several of which it has working relations.

HEADQUARTERS

Its headquarters are at 9, Grosvenor Place, London S.W.I.

¹ Protocol No. IV of the Paris Agreements, Art. 7.

TREATY OF ECONOMIC, SOCIAL AND CULTURAL COLLABORATION AND COLLECTIVE SELF-DEFENCE¹

Brussels, March 17, 1948 as amended on October 23, 1954

Brussels, March 17th 1948

His Royal Highness the Prince Regent of Belgium, the President of the French Republic, President of the French Union, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands and His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas.

Resolved

To reaffirm their faith in fundamental human rights, in the dignity and worth of the human person and in the other ideals proclaimed in the Charter of the United Nations;

To fortify and preserve the principles of democracy, personal freedom and political liberty, the constitutional traditions and the rule of law, which are their common heritage;

To strengthen, with these aims in view, the economic, social and cultural ties by which they are already united;

To co-operate loyally and to co-ordinate their efforts to create in Western Europe a firm basis for European economic recovery;

To afford assistance to each other, in accordance with the Charter of the United Nations, in maintaining international peace and security and in resisting any policy of aggression;

To promote the unity and to encourage the progressive integration of Europe;

To associate progressively, in the pursuance of these aims, other States inspired by the same ideals and animated by the like determination;

Desiring for these purposes to conclude a treaty for collaboration in economic, social and cultural matters and for collective self-defence;

Art. 1. Convinced of the close community of their interests and of the necessity of uniting in order to promote the economy recovery of Europe, the High Contracting Parties will so organize and co-ordinate their economic activities as to produce the best possible results, by the elimination of conflict in their economic policies, the co-ordination of production and the development of commercial exchanges.

The co-operation provided for in the preceding paragraph, which will be effected through the Council referred to in Article 8 as well as through other bodies, shall not involve any duplication of, or prejudice to, the

¹ Source: Brussels Treaty, published by the Secretariat General of Western European Union, 1958.

work of other economic organizations in which the High Contracting Parties are or may be represented but shall on the contrary assist the work of those organizations.

Art. 2. The High Contracting Parties will make every effort in common, both by direct consultation and in specialized agencies, to promote the attainment of a higher standard of living by their peoples and to develop on corresponding lines the social and other related services of their countries.

The High Contracting Parties will consult with the object of achieving the earliest possible application of recommendations of immediate practical interest, relating to social matters, adopted with their approval in the specialized agencies.

They will endeavor to conclude as soon as possible conventions with each other in the sphere of social security.

Art. 3. The High Contracting Parties will make every effort in common to lead their peoples towards a better understanding of the principles which form the basis of their common civilization and to promote cultural exchanges by conventions between themselves or by other means.

Art. 4. In the execution of the Treaty, the High Contracting Parties and any Organs established by them under the Treaty shall work in close co-operation with the North Atlantic Treaty Organisation.

Recognizing the undesirability of duplicating the military staffs of NATO, the Council and its Agency will rely on the appropriate military authorities of NATO for information and advice on military matters.

Art. 5. If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power.

Art. 6. All measures taken as a result of the preceding Article shall be immediately reported to the Security Council. They shall be terminated as soon as the Security Council has taken the measures necessary to maintain or restore international peace and security.

The present Treaty does not prejudice in any way the obligations of the High Contracting Parties under the provisions of the Charter of the United Nations. It shall not be interpreted as affecting in any way the authority and responsibility of the Security Council under the Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Art. 7. The High Contracting Parties declare, each so far as he is concerned, that none of the international engagements now in force between him and any other of the High Contracting Parties or any third State is in conflict with the provisions of the present Treaty.

None of the High Contracting Parties will conclude any alliance or participate in any coalition directed against any other of the High Contracting Parties.

Art. 8. 1. For the purposes of strengthening peace and security and of promoting unity and of encouraging the progressive integration of Europe and closer co-operation between them and with other European or-

ganizations, the High Contracting Parties to the Brussels Treaty shall create a Council to consider matters concerning the execution of this Treaty and of its Protocols and their Annexes.

2. This Council shall be known as the "Council of Western European Union"; it shall be so organized as to be able to exercise its functions continuously; it shall set up such subsidiary bodies as may be considered necessary: in particular it shall establish immediately an Agency for the Control of Armaments whose functions are defined in Protocol No. IV.

3. At the request of any of the High Contracting Parties the Council shall be immediately convened in order to permit them to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise, or a danger to economic stability.

4. The Council shall decide by unanimous vote questions for which no other voting procedure has been or may be agreed. In the cases provided for in Protocols II, III and IV it will follow the various voting procedures, unanimity, two-thirds majority, simple majority, laid down therein. It will decide by simple majority questions submitted to it by the Agency for the Control of Armaments.

Art. 9. The Council of Western European Union shall make an annual report on its activities and in particular concerning the control of armaments to an Assembly composed of representatives of the Brussels Treaty Powers to the Consultative Assembly of the Council of Europe.

Art. 10. In pursuance of their determination to settle disputes only by peaceful means, the High Contracting Parties will apply to disputes between themselves the following provisions:

The High Contracting Parties will, while the present Treaty remains in force, settle all disputes falling within the scope of Article 36, paragraph 2, of the Statute of the International Court of Justice by referring them to the Court, subject only, in the case of each of them, to any reservation already made by that Party when accepting this clause for compulsory jurisdiction to the extent that that Party may maintain the reservation.

In addition, the High Contracting Parties will submit to conciliation all disputes outside the scope of Article 36, paragraph 2, of the Statute of the International Court of Justice.

In the case of a mixed dispute involving both questions for which conciliation is appropriate and other questions for which judicial settlement is appropriate, any Party to the dispute shall have the right to insist that the judicial settlement of the legal questions shall precede conciliation.

The preceding provisions of this Article in no way affect the application of relevant provisions or agreements prescribing some other method of pacific settlement.

Art. 11. The High Contracting Parties may, by agreement, invite any other State to accede to the present Treaty on conditions to be agreed between them and the State so invited.

Any State so invited may become a Party to the Treaty by depositing an instrument of accession with the Belgian Government.

The Belgian Government will inform each of the High Contracting Parties of the deposit of each instrument of accession.

Art. 12. The present Treaty shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Belgian Government.

It shall enter into force on the date of the deposit of the last instrument of ratification and shall thereafter remain in force for fifty years.

After the expiry of the period of fifty years, each of the High Contracting Parties shall have the right to cease to be a party thereto provided that he shall have previously given one year's notice of denunciation to the Belgian Government.

The Belgian Government shall inform the Governments of the other High Contracting Parties of the deposit of each instrument of ratification and of each notice of denunciation.

In witness whereof, the above-mentioned Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done at Brussels, this seventeenth day of March 1948, in English and French, each text being equally authentic, in a single copy which shall remain deposited in the archives of the Belgian Government and of which certified copies shall be transmitted by that Government to each of the other signatories.

PROTOCOL NO. I. – MODIFYING AND COMPLETING THE BRUSSELS TREATY

Signed at Paris, October 23, 1954

His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands and Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Parties to the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence, signed at Brussels on March the 17th, 1948, hereinafter referred to as the Treaty, on the one hand,

and the President of the Federal Republic of Germany and the President of the Italian Republic on the other hand,

Inspired by a common will to strengthen peace and security;

Desirous to this end of promoting the unity and of encouraging the progressive integration of Europe;

Convinced that the accession of the Federal Republic of Germany and the Italian Republic to the Treaty will represent a new and substantial advance towards these aims;

Having taken into consideration the decisions of the London Conference as set out in the Final Act of October the 3rd, 1954 and its Annexes;

Have appointed as their Plenipotentiaries:

Who, having exhibited their full powers found in good and due form,

Have agreed as follows:

Art. 1. The Federal Republic of Germany and the Italian Republic hereby accede to the Treaty as modified and completed by the present Protocol.

The High Contracting Parties to the present Protocol consider the Protocol on Forces of Western European Union (hereinafter referred to as Protocol No. II), the Protocol on the Control of Armaments and its Annexes (hereinafter referred to as Protocol No. III), and the Protocol on the Agency of Western European Union for the Control of Armaments (hereinafter referred to as Protocol No. IV) to be an integral part of the present Protocol.

(Article 2 to end of this Protocol relates to amendments now embodied in the text of the Treaty.)

PROTOCOL NO. II. — ON FORCES OF WESTERN EUROPEAN UNION

His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, the President of the Federal Republic of Germany, the President of the Italian Republic, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands, and Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Signatories of the Protocol Modifying and Completing the Brussels Treaty,

Having consulted the North Atlantic Council,

Have appointed,

Have agreed as follows:

Art. 1. 1. The land and air forces which each of the High Contracting Parties to the present Protocol shall place under the Supreme Allied Commander Europe in peacetime on the mainland of Europe shall not exceed in total strength and number of formations:

(a) for Belgium, France, the Federal Republic of Germany, Italy and the Netherlands, the maxima laid down for peacetime in the Special Agreement annexed to the Treaty on the Establishment of a European Defence Community signed at Paris, on 27th May, 1952; and

(b) for the United Kingdom, four divisions and the Second Tactical Air Force;

(c) for Luxembourg, one regimental combat team.

2. The number of formations mentioned in paragraph 1 may be brought up to date and adapted as necessary to make them suitable for the North Atlantic Treaty Organization, provided that the equivalent fighting capacity and total strengths are not exceeded.

3. The statement of these maxima does not commit any of the High Contracting Parties to build up or maintain forces at these levels, but maintains their right to do so if required.

Art. 2. As regards naval forces, the contribution to NATO Commands of each of the High Contracting Parties to the present Protocols shall be

determined each year in the course of the Annual Review (which takes into account the recommendations of the NATO military authorities). The naval forces of the Federal Republic of Germany shall consist of the vessels and formations necessary for the defensive missions assigned to it by the North Atlantic Treaty Organization within the limits laid down in the Special Agreement mentioned in Article 1, or equivalent fighting capacity.

Art. 3. If at any time during the Annual Review recommendations are put forward, the effect of which would be to increase the level of forces above the limits specified in Articles 1 and 2, the acceptance by the country concerned of such recommended increases shall be subject to the unanimous approval of the High Contracting Parties to the present Protocol expressed either in the Council of Western European Union or in the North Atlantic Treaty Organization.

Art. 4. In order that it may establish that the limits specified in Articles 1 and 2 are being observed, the Council of Western European Union will regularly receive information acquired as a result of inspections carried out by the Supreme Allied Commander Europe. Such information will be transmitted by a high-ranking officer designated for the purpose by the Supreme Allied Commander Europe.

Art. 5. The strength and armaments of the internal defence and police forces on the mainland of Europe of the High Contracting Parties to the present Protocol shall be fixed by agreements within the Organization of Western European Union, having regard to their proper functions and needs and to their existing levels.

Art. 6. Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland will continue to maintain on the mainland of Europe, including Germany, the effective strength of the United Kingdom forces which are now assigned to the Supreme Allied Commander Europe, that is to say four divisions and the Second Tactical Air Force, or such other forces as the Supreme Allied Commander Europe regards as having equivalent fighting capacity. She undertakes not to withdraw these forces against the wishes of the majority of the High Contracting Parties who should take their decision in the knowledge of the views of the Supreme Allied Commander Europe. This undertaking shall not, however, bind her in the event of an acute overseas emergency. If the maintenance of the United Kingdom forces on the mainland of Europe throws at any time too great a strain on the external finances of the United Kingdom, she will, through Her Government in the United Kingdom of Great Britain and Northern Ireland, invite the North Atlantic Council to review the financial conditions on which the United Kingdom formations are maintained.

IN WITNESS WHEREOF, the above-mentioned Plenipotentiaries have signed the present Protocol, being one of the Protocols listed in Article 1 of the Protocol Modifying and Completing the Treaty, and have affixed thereto their seals.

DONE at Paris this 23rd day of October, 1954, in two texts, in the English and French languages, each text being equally authoritative, in a

single copy, which shall remain deposited in the archives of the Belgian Government and of which certified copies shall be transmitted by that Government to each of the other Signatories.

PROTOCOL NO. III. — ON THE CONTROL OF ARMAMENTS

His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, the President of the Federal Republic of Germany, the President of the Italian Republic, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands, Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Signatories of the Protocol Modifying and Completing the Brussels Treaty,

Have appointed . . . ,

Have agreed as follows:

Part I—Armaments not to be manufactured

Art. 1. The High Contracting Parties, members of Western European Union, take note of and record their agreement with the Declaration of the Chancellor of the Federal Republic of Germany (made in London on 3rd October 1954, and annexed hereto as Annex I) in which the Federal Republic of Germany undertook not to manufacture in its territory atomic, biological and chemical weapons. The types of armaments referred to in this Article are defined in Annex II. These armaments shall be more closely defined and the definitions brought up to date by the Council of Western European Union.

Art. 2. The High Contracting Parties, members of Western European Union, also take note of and record their agreement with the undertaking given by the Chancellor of the Federal Republic of Germany in the same Declaration that certain further types of armaments will not be manufactured in the territory of the Federal Republic of Germany, except that if in accordance with the needs of the armed forces a recommendation for an amendment to, or cancellation of, the content of the list of these armaments is made by the competent Supreme Commander of the North Atlantic Treaty Organization, and if the Government of the Federal Republic of Germany submits a request accordingly, such an amendment or cancellation may be made by a resolution of the Council of Western European Union passed by a two-thirds majority. The types of armaments referred to in this Article are listed in Annex III.

Part II—Armaments to be controlled

Art. 3. When the development of atomic, biological and chemical weapons in the territory on the mainland of Europe of the High Contract-

ing Parties who have not given up the right to produce them has passed the experimental stage and effective production of them has started there, the level of stocks that the High Contracting Parties concerned will be allowed to hold on the mainland of Europe shall be decided by a majority vote of the Council of Western European Union.

Art. 4. Without prejudice to the foregoing Articles, the types of armaments listed in Annex IV will be controlled to the extent and in the manner laid down in Protocol No. IV.

Art. 5. The Council of Western European Union may vary the list in Annex IV by unanimous decision.

IN WITNESS WHEREOF, the above-mentioned Plenipotentiaries have signed the present Protocol, being one of the Protocols listed in Article I of the Protocol Modifying and Completing the Treaty, and have affixed thereto their seals.

DONE at Paris on the 23rd day of October 1954, in two texts, in the English and French languages, each text being equally authoritative, in a single copy, which shall remain deposited in the archives of the Belgian Government and of which certified copies shall be transmitted by that Government to each of the other Signatories.

PROTOCOL NO. IV. — ON THE AGENCY OF WESTERN EUROPEAN UNION FOR THE CONTROL OF ARMAMENTS

His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, the President of the Federal Republic of Germany, the President of the Italian Republic, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands, Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Signatories of the Protocol Modifying and Completing the Brussels Treaty,

Having agreed in accordance with Article IV of the Protocol Modifying and Completing the Treaty, to establish an Agency for the Control of Armaments,

Have appointed ,

Have agreed as follows:

Part I—Constitution

Art. 1. The Agency for the Control of Armaments (hereinafter referred to as “the Agency”) shall be responsible to the Council of Western European Union (hereinafter referred to as “the Council”). It shall consist of a Director assisted by a Deputy Director, and supported by a staff drawn equitably from nationals of the High Contracting Parties, Members of Western European Union.

Art. 2. The Director and his staff, including any officials who may be put at the disposal of the Agency by States Members, shall be subject to the general administrative control of the Secretary General of Western European Union.

Art. 3. The Director shall be appointed by unanimous decision of the Council for a period of five years and shall not be eligible for re-appointment. He shall be responsible for the selection of his staff in accordance with the principle mentioned in Article 1 and in consultation with the individual States Members concerned. Before filling the posts of Deputy Director and of the Heads of Departments of the Agency, the Director shall obtain from the Council approval of the persons to be appointed.

Art. 4. 1. The Director shall submit to the Council, through the Secretary General, a plan for the organization of the Agency. The organization should provide for departments dealing respectively with:

(a) the examination of statistical and budgetary information to be obtained from the members of Western European Union and from the appropriate NATO authorities;

(b) inspections, test checks and visits;

(c) administration.

2. The organization may be modified by decision of the Council.

Art. 5. The costs of maintaining the Agency shall appear in the budget of Western European Union. The Director shall submit, through the Secretary General, to the Council an annual estimate of these costs.

Art. 6. Officials of the Agency shall be bound by the full NATO code of security. They shall in no circumstances reveal information obtained in connexion with the execution of their official tasks except and only in the performance of their duties towards the Agency.

Part II—Functions

Art. 7. 1. The tasks of the Agency shall be:

(a) to satisfy itself that the undertakings set out in Protocol No. III not to manufacture certain types of armaments mentioned in Annexes II and III to that Protocol are being observed;

(b) to control, in accordance with Part III of the present Protocol, the level of stocks of armaments of the types mentioned in Annex IV to Protocol No. III held by each member of Western European Union on the mainland of Europe. This control shall extend to production and imports to the extent required to make the control of stocks effective.

2. For the purposes mentioned in paragraph 1 of this Article, the Agency shall:

(a) scrutinize statistical and budgetary information supplied by members of Western European Union and by the NATO authorities;

(b) undertake on the mainland of Europe test checks, visits and inspections at production plants, depots and forces (other than depots or forces under NATO authority);

(c) report to the Council.

Art. 8. With respect to forces and depots under NATO authority, test checks, visits and inspections shall be undertaken by the appropriate

authorities of the North Atlantic Treaty Organization. In the case of the forces and depots under the Supreme Allied Commander Europe, the Agency shall receive notification of the information supplied to the Council through the medium of the high-ranking officer to be designated by him.

Art. 9. The operations of the Agency shall be confined to the mainland of Europe.

Art. 10. The Agency shall direct its attention to the production of end-items and components listed in Annexes II, III and IV of Protocol No. III, and not to processes. It shall ensure that materials and products destined for civilian use are excluded from its operations.

Art. 11. Inspections by the Agency shall not be of a routine character, but shall be in the nature of tests carried out at irregular intervals. Such inspections shall be conducted in a spirit of harmony and co-operation. The Director shall propose to the Council detailed regulations for the conduct of the inspections providing, *inter alia*, for due process of law in respect of private interests.

Art. 12. For their test checks, visits and inspections the members of the Agency shall be accorded free access on demand to plants and depots, and the relevant accounts and documents shall be made available to them. The Agency and national authorities shall co-operate in such checks and inspections, and in particular national authorities may, at their own request, take part in them.

Part III—Levels of Stocks of Armaments

Art. 13. 1. Each member of Western European Union shall, in respect of its forces under NATO authority stationed on the mainland of Europe, furnish annually to the Agency statements of:

(a) the total quantities of armaments of the types mentioned in Annex IV to Protocol No. III required in relation to its forces;

(b) the quantities of such armaments currently held at the beginning of the control years;

(c) the program for attaining the total quantities mentioned in (a) by:

- (i) manufacture in its own territory;
- (ii) purchase from another country;
- (iii) end-item aid from another country.

2. Such statements shall also be furnished by each member of Western European Union in respect of its internal defence and police forces and its other forces under national control stationed on the mainland of Europe including a statement of stocks held there for its forces stationed overseas.

3. The statements shall be correlated with the relevant submissions to the North Atlantic Treaty Organization.

Art. 14. As regards the forces under NATO authority, the Agency shall verify in consultation with the appropriate NATO authorities that the total quantities stated under Article 13 are consistent with the quantities recognised as required by the units of the members concerned under NATO authority, and with the conclusions and data recorded in the documents

approved by the North Atlantic Council in connexion with the Nato Annual Review.

Art. 15. As regards internal defence and police forces, the total quantities of their armaments to be accepted as appropriate by the Agency shall be those notified by the members, provided that they remain within the limits laid down in the further agreements to be concluded by the members of Western European Union on the strength and armaments of the internal defence and police forces on the mainland of Europe.

Art. 16. As regards other forces remaining under national control, the total quantities of their armaments to be accepted as appropriate by the Agency shall be those notified to the Agency by the members.

Art. 17. The figures furnished by members for the total quantities of armaments under Articles 15 and 16 shall correspond to the size and mission of the forces concerned.

Art. 18. The provisions of Articles 14 and 17 shall not apply to the High Contracting Parties and to the categories of weapons covered in Article 3 of Protocol No. III. Stocks of the weapons in question shall be determined in conformity with the procedure laid down in that Article and shall be notified to the Agency by the Council of the Western European Union.

Art. 19. The figures obtained by the Agency under Articles 14, 15, 16 and 18 shall be reported to the Council as appropriate levels for the current control year for the members of Western European Union. Any discrepancies between the figures stated under Article 13, paragraph 1, and the quantities recognized under Article 14 will also be reported.

Art. 20. 1. The Agency shall immediately report to the Council if inspection, or information from other sources, reveals:

(a) the manufacture of armaments of a type which the member concerned has undertaken not to manufacture;

(b) the existence of stocks of armaments in excess of the figures and quantities ascertained in accordance with Articles 19 and 22.

2. If the Council is satisfied that the infraction reported by the Agency is not of major importance and can be remedied by prompt local action, it will so inform the Agency and the member concerned, who will take the necessary steps.

3. In the case of other infractions, the Council will invite the member concerned to provide the necessary explanation within a period to be determined by the Council; if this explanation is considered unsatisfactory, the Council will take the measures which it deems necessary in accordance with a procedure to be determined.

4. Decisions of the Council under this Article will be taken by majority vote.

Art. 21. Each member shall notify to the Agency the names and locations of the depots on the mainland of Europe containing armaments subject to control and of the plants on the mainland of Europe manufacturing such armaments, or, even though not in operation, specifically intended for the manufacture of such armaments.

Art. 22. Each member of Western European Union shall keep the

Agency informed of the quantities of armaments of the types mentioned in Annex IV to Protocol No. III, which are to be exported from its territory on the mainland of Europe. The Agency shall be entitled to satisfy itself that the armaments concerned are in fact exported. If the level of stocks of any item subject to control appears abnormal, the Agency shall further be entitled to enquire into the orders for export.

Art. 23. The Council shall transmit to the Agency information received from the Governments of the United States of America and Canada respecting military aid to be furnished to the forces on the mainland of Europe of members of Western European Union.

IN WITNESS WHEREOF, the above-mentioned Plenipotentiaries have signed the present Protocol, being one of the Protocols listed in Article I of the Protocol Modifying and Completing the Treaty, and have affixed thereto their seals.

DONE at Paris this 23rd day of October 1954, in two texts, in the English and French languages, each text being equally authoritative, in a single copy, which shall remain deposited in the archives of the Belgian Government and of which certified copies shall be transmitted by that Government to each of the other Signatories.

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WORLD HEALTH ORGANIZATION

SUMMARY

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

THIS Organization, which is a Specialized Agency of the United Nations, has a Constitution which was signed at an International Health Conference in New York on July 22, 1946 by representatives of 61 nations. It entered into force on April 7, 1948. The Constitution was amended on May 28, 1959 (the amendments entering into force on October 25, 1960).

The representatives of the nations signed an agreement at that Conference setting up an Interim Commission of eighteen members to make preparations for the first Health Assembly to be convened within six months from the date the Constitution entered into force. The Interim Commission was authorized to arrange for the transfer to it or to the World Health Organization, of certain functions which were being performed by the Health Organizations of the League of Nations, the Health Division of the United Nations Relief and Rehabilitation Administration, the International Office of Public Hygiene in Paris, and the International Commission for the Decennial Revision of the International Lists of Diseases and Causes of Death.

There is no provision for withdrawal.

FUNCTIONS AND POWERS OF THE ORGANIZATION

The objective of the organization "shall be the attainment by all peoples of the highest possible level of health".¹ Its functions to achieve this objective include acting as a directing and co-ordinating authority on international health work, collaboration with international and professional organizations and governments, furnishing technical assistance and other aid to governments and to special groups such as peoples in trust territories, the promotion of various activities in the field of health and hygiene, the establishment and promotion of international nomenclatures,

¹ Constitution, Art. I.

standardization of diagnostic procedures and international standards for food, biological and pharmaceutical objects.¹

The Assembly may establish regional organizations to meet the needs of particular areas which will be integral parts of the World Health Organization².

The usual privileges and immunities are provided for.³

ORGANS

The organs are:

(1) a World Health Assembly composed of not more than three delegates for each member, meeting in regular annual session.⁴ Its decisions are by a majority vote except respecting "important questions" which are by a two-thirds vote.⁵

(2) an Executive Board composed of twenty four persons, designated by as many countries, elected by the Health Assembly and meeting at least twice a year.⁶

(3) a Secretariat with a Director-General.⁷

(4) Regional Committees,⁸ of which there are six: Africa, Americas, Eastern Mediterranean, Europe, Southeast Asia, Western Pacific.

MEMBERSHIP

Its members are Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cambodia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, German Federal Republic, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Korea, Kuwait, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malaya, Mali, Mauretania, Mexico, Monaco, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Roumania, Saudi Arabia, Senegal, Somalia, Spain, Sudan, Sweden, Switzerland, Thailand, Togo, Tunisia, Turkey, Ukraine, Union of South Africa, USSR, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Vietnam, Yemen, Yugoslavia. Associate members are Rhodesia and Nyasaland and Sierra Leone.

MEANS OF FINANCIAL SUPPORT

The expenses are apportioned "in accord with a scale to be fixed by the

¹ Id., Art. 2.

² Id., Art. 44, 45.

³ Id., Art. 66-68.

⁴ Id., Arts. 9, 10, 11, 13.

⁵ Art. 60.

⁶ Id., Arts. 24, 25, 26.

⁷ Id., Art. 30.

⁸ Id., Art. 48.

World Health Assembly.”¹ WHO participates in the Expanded Program of Technical Assistance for Economic Development. It has also several special accounts, for example one for malaria eradication.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The World Health Organization is a specialized agency of the United Nations. Formal or informal arrangements for collaboration have been entered into with other specialized agencies, especially ILO, FAO, UNESCO, ICAO, International Bank and IAEA. Working arrangements with regional and other intergovernment organizations, notably the Council of Europe, CCTA, the South Pacific Council and the League of Arab States also exist. The directing organs of the Pan American Health Organization serve as the regional committee of WHO for the Americas and the Pan American Sanitary Bureau serves as WHO's regional office for the Americas.

HEADQUARTERS

The headquarters are at the Palais des Nations, Geneva.

¹ *Id.*, Art. 56.

CONSTITUTION¹

April 7, 1948 as amended May 28, 1959

THE STATES parties to this Constitution declare, in conformity with the Charter of the United Nations, that the following principles are basic to the happiness, harmonious relations and security of all peoples:

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.

The health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest co-operation of individuals and States.

The achievement of any State in the promotion and protection of health is of value to all.

Unequal development in different countries in the promotion of health and control of disease, especially communicable disease, is a common danger.

Healthy development of the child is of basic importance; the ability to live harmoniously in a changing total environment is essential to such development.

The extension to all peoples of the benefits of medical, psychological and related knowledge is essential to the fullest attainment of health.

Informed opinion and active co-operation on the part of the public are of the utmost importance in the improvement of the health of the people.

Governments have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures.

ACCEPTING THESE PRINCIPLES, and for the purpose of co-operation among themselves and with others to promote and protect the health of all peoples, the contracting parties agree to the present Constitution and hereby establish the World Health Organization as a specialized agency within the terms of Article 57 of The Charter of the United Nations.

CHAPTER I

Objective

Art. 1. The objective of the World Health Organization (hereinafter called the Organization) shall be the attainment by all peoples of the highest possible level of health.

¹ U.S. Treaties and other International Acts Series 1808, amendments in WHO Document WHA 12-43.

CHAPTER II

Functions

Art. 2. In order to achieve its objective, the functions of the Organization shall be:

(a) to act as the directing and co-ordinating authority on international health work;

(b) to establish and maintain effective collaboration with the United Nations, specialized agencies, governmental health administrations, professional groups and such other organizations as may be deemed appropriate;

(c) to assist governments, upon request, in strengthening health services;

(d) to furnish appropriate technical assistance and, in emergencies, necessary aid upon the request or acceptance of governments;

(e) to provide or assist in providing, upon the request of the United Nations, health services and facilities to special groups, such as the peoples of trust territories;

(f) to establish and maintain such administrative and technical services as may be required, including epidemiological and statistical services;

(g) to stimulate and advance work to eradicate epidemic, endemic and other diseases;

(h) to promote, in co-operation with other specialized agencies where necessary, the prevention of accidental injuries;

(i) to promote, in co-operation with other specialized agencies where necessary, the improvement of nutrition, housing, sanitation, recreation, economic or working conditions and other aspects of environmental hygiene;

(j) to promote co-operation among scientific and professional groups which contribute to the advancement of health;

(k) to propose conventions, agreements and regulations, and make recommendations with respect to international health matters and to perform such duties as may be assigned thereby to the Organization and are consistent with its objective;

(l) to promote maternal and child health and welfare and to foster the ability to live harmoniously in a changing total environment;

(m) to foster activities in the field of mental health, especially those affecting the harmony of human relations;

(n) to promote and conduct research in the field of health;

(o) to promote improved standards of teaching and training in the health, medical and related professions;

(p) to study and report on, in co-operation with other specialized agencies where necessary, administrative and social techniques affecting public health and medical care from preventive and curative points of view, including hospital services and social security;

(q) to provide information, counsel and assistance in the field of health;

(r) to assist in developing an informed public opinion among all peoples on matters of health;

(s) to establish and revise as necessary international nomenclatures of diseases, of causes of death and of public health practices;

(t) to standardize diagnostic procedures as necessary;

(u) to develop, establish and promote international standards with respect to food, biological, pharmaceutical and similar products;

(v) generally to take all necessary action to attain the objective of the Organization.

CHAPTER III

Membership and Associate Membership

Art. 3. Membership in the Organization shall be open to all States.

Art. 4. Members of the United Nations may become Members of the Organization by signing or otherwise accepting this Constitution in accordance with the provisions of Chapter XIX and in accordance with their constitutional processes.

Art. 5. The States whose governments have been invited to send observers to the International Health Conference held in New York, 1946, may become Members by signing or otherwise accepting this Constitution in accordance with the provisions of Chapter XIX and in accordance with their constitutional processes provided that such signature or acceptance shall be completed before the first session of the Health Assembly.

Art. 6. Subject to the conditions of any agreement between the United Nations and the Organization, approved pursuant to Chapter XVI, States which do not become Members in accordance with Articles 4 and 5 may apply to become Members and shall be admitted as Members when their application has been approved by a simple majority vote of the Health Assembly.

Art. 7. If a Member fails to meet its financial obligations to the Organization or in other exceptional circumstances the Health Assembly may, on such conditions as it thinks proper, suspend the voting privileges and services to which a Member is entitled. The Health Assembly shall have the authority to restore such voting privileges and services.

Art. 8. Territories or groups of territories which are not responsible for the conduct of their international relations may be admitted as Associate Members by the Health Assembly upon application made on behalf of such territory or group of territories by the Member or other authority having responsibility for their international relations. Representatives of Associate Members to the Health Assembly should be qualified by their technical competence in the field of health and should be chosen from the native population. The nature and extent of the rights and obligations of Associate Members shall be determined by the Health Assembly.

CHAPTER IV

ORGANS

Art. 9. The work of the Organization shall be carried out by:

- (a) The World Health Assembly (herein called the Health Assembly);
- (b) The Executive Board (hereinafter called the Board);
- (c) The Secretariat.

CHAPTER V

THE WORLD HEALTH ASSEMBLY

Art. 10. The Health Assembly shall be composed of delegates representing Members.

Art. 11. Each Member shall be represented by not more than three delegates, one of whom shall be designated by the Member as chief delegate. These delegates should be chosen from among persons most qualified by their technical competence in the field of health, preferably representing the national health administration of the Member.

Art. 12. Alternates and advisers may accompany delegates.

Art. 13. The Health Assembly shall meet in regular annual session and in such special sessions as may be necessary. Special sessions shall be convened at the request of the Board or of a majority of the Members.

Art. 14. The Health Assembly, at each annual session, shall select the country or region in which the next annual session shall be held, the Board subsequently fixing the place. The Board shall determine the place where a special session shall be held.

Art. 15. The Board, after consultation with the Secretary-General of the United Nations, shall determine the date of each annual and special session.

Art. 16. The Health Assembly shall elect its President and other officers at the beginning of each annual session. They shall hold office until their successors are elected.

Art. 17. The Health Assembly shall adopt its own rules of procedure.

Art. 18. The functions of the Health Assembly shall be:

- (a) to determine the policies of the Organization;
- (b) to name the Members entitled to designate a person to serve on the Board;
- (c) to appoint the Director-General;
- (d) to review and approve reports and activities of the Board and of the Director-General and to instruct the Board in regard to matters upon which action, study, investigation or report may be considered desirable;
- (e) to establish such committees as may be considered necessary for the work of the Organization;
- (f) to supervise the financial policies of the Organization and to review and approve the budget;
- (g) to instruct the Board and the Director-General to bring to the attention of Members and of international organizations, governmental or non-governmental, any matter with regard to health which the Health Assembly may consider appropriate;
- (h) to invite any organization, international or national, governmental or non-governmental, which has responsibilities related to those of the Organization, to appoint representatives to participate, without right of vote, in its meetings or in those of the committees and conferences convened under its authority, on conditions prescribed by the Health Assembly; but in the case of national organizations, invitations shall be issued only with the consent of the government concerned;
- (i) to consider recommendations bearing on health made by the General

Assembly, the Economic and Social Council, the Security Council or Trusteeship Council of the United Nations, and to report to them on the steps taken by the Organization to give effect to such recommendations;

(j) to report to the Economic and Social Council in accordance with any agreement between the Organization and the United Nations;

(k) to promote and conduct research in the field of health by the personnel of the Organization, by the establishment of its own institutions or by co-operation with official or non-official institutions of any Member with the consent of its government.

(l) to establish such other institutions as it may consider desirable.

(m) to take any other appropriate action further to the objective of the Organization.

Art. 19. The Health Assembly shall have authority to adopt conventions or agreements with respect to any matter within the competence of the Organization. A two-thirds vote of the Health Assembly shall be required for the adoption of such conventions or agreements which shall come into force for each Member when accepted by it in accordance with its constitutional processes.

Art. 20. Each Member undertakes that it will, within eighteen months after the adoption by the Health Assembly of a convention or agreement, take action relative to the acceptance of such convention or agreement. Each Member shall notify the Director-General of the action taken and if it does not accept such convention or agreement within the time limit, it will furnish a statement of the reasons for non-acceptance. In case of acceptance, each Member agrees to make an annual report to the Director-General in accordance with Chapter XIV.

Art. 21. The Health Assembly shall have authority to adopt regulations concerning:

(a) sanitary and quarantine requirements and other procedures designed to prevent the international spread of disease;

(b) nomenclatures with respect to diseases, causes of death and public health practices;

(c) standards with respect to diagnostic procedures for international use;

(d) standards with respect to the safety, purity and potency of biological pharmaceutical and similar products moving in international commerce;

(e) advertising and labelling of biological, pharmaceutical and similar products moving in international commerce.

Art. 22. Regulations adopted pursuant to Article 21 shall come into force for all Members after due notice has been given of their adoption by the Health Assembly except for such Members as may notify the Director-General of rejection or reservations within the period stated in the notice.

Art. 23. The Health Assembly shall have authority to make recommendations to Members with respect to any matter within the competence of the Organization.

CHAPTER VI

THE EXECUTIVE BOARD

Art. 24. The Board shall consist of twenty four persons designated by as

many Members. The Health Assembly, taking into account an equitable geographical distribution, shall elect the Members entitled to designate a person to serve on the Board. Each of these Members should appoint to the Board a person technically qualified in the field of health, who may be accompanied by alternates and advisers.

Art. 25. These Members shall be elected for three years and may be re-elected, provided that of the twelve Members elected at the first session of the Health Assembly after the coming into force of the amendment to this Constitution increasing the membership of the Board from eighteen to twenty four, the terms of two Members shall be for one year and the terms of two Members shall be for two years, as determined by lot.

Art. 26. The Board shall meet at least twice a year and shall determine the place of each meeting.

Art. 27. The Board shall elect its Chairman from among its members and shall adopt its own rules of procedure.

Art. 28. The functions of the Board shall be:

- (a) to give effect to the decisions and policies of the Health Assembly;
- (b) to act as the executive organ of the Health Assembly;
- (c) to perform any other functions entrusted to it by the Health Assembly;
- (d) to advise the Health Assembly on questions referred to it by that body and on matters assigned to the Organization by conventions, agreements and regulations;
- (e) to submit advice or proposals to the Health Assembly on its own initiative;
- (f) to prepare the agenda of meetings of the Health Assembly;
- (g) to submit to the Health Assembly for consideration and approval a general programme of work covering a specific period;
- (h) to study all questions within its competence;
- (i) to take emergency measures within the functions and financial resources of the Organization to deal with events requiring immediate action. In particular it may authorize the Director-General to take the necessary steps to combat epidemics, to participate in the organization of health relief to victims of a calamity and to undertake studies and research the urgency of which has been drawn to the attention of the Board by any Member or by the Director-General.

Art. 29. The Board shall exercise on behalf of the whole Health Assembly the powers delegated to it by that body.

CHAPTER VII

THE SECRETARIAT

Art. 30. The Secretariat shall comprise the Director-General and such technical and administrative staff as the Organization may require.

Art. 31. The Director-General shall be appointed by the Health Assembly on the nomination of the Board on such terms as the Health Assembly may determine. The Director-General, subject to the authority of the Board, shall be the chief technical and administrative officer of the Organization.

Art. 32. The Director-General shall be *ex officio* Secretary of the Health Assembly, of the Board, of all commissions and committees of the Organization and of conferences convened by it. He may delegate these functions.

Art. 33. The Director-General or his representative may establish a procedure by agreement with Members, permitting him, for the purpose of discharging his duties, to have direct access to their various departments, especially to their health administrations and to national health organizations, governmental or non-governmental. He may also establish direct relations with international organizations whose activities come within the competence of the Organization. He shall keep Regional Offices informed on all matters involving their respective areas.

Art. 34. The Director-General shall prepare and submit annually to the Board the financial statements and budget estimates of the Organization.

Art. 35. The Director-General shall appoint the staff of the Secretariat in accordance with staff regulations established by the Health Assembly. The paramount consideration in the employment of the staff shall be to assure that the efficiency, integrity and internationally representative character of the Secretariat shall be maintained at the highest level. Due regard shall be paid also to the importance of recruiting the staff on as wide a geographical basis as possible.

Art. 36. The conditions of service of the staff of the Organization shall conform as far as possible with those of other United Nations organizations.

Art. 37. In the performance of their duties the Director-General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officers. Each Member of the Organization on its part undertakes to respect the exclusively international character of the Director-General and the staff and not to seek to influence them.

CHAPTER VIII

COMMITTEES

Art. 38. The Board shall establish such committees as the Health Assembly may direct and, on its own initiative or on the proposal of the Director-General, may establish any other committees considered desirable to serve any purpose within the competence of the Organization.

Art. 39. The Board, from time to time and in any event annually, shall review the necessity for continuing each committee.

Art. 40. The Board may provide for the creation of or the participation by the Organization in joint or mixed committees with other organizations and for the representation of the Organization in committees established by such other organizations.

CHAPTER IX

CONFERENCES

Art. 41. The Health Assembly or the Board may convene local,

general, technical or other special conferences to consider any matter within the competence of the Organization and may provide for the representation at such conferences of international organizations and, with the consent of the government concerned, of national organizations, governmental or non-governmental. The manner of such representation shall be determined by the Health Assembly or the Board.

Art. 42. The Board may provide for representation of the Organization at conferences in which the Board considers that the Organization has an interest.

CHAPTER X

HEADQUARTERS

Art. 43. The location of the headquarters of the Organization shall be determined by the Health Assembly after consultation with the United Nations.

CHAPTER XI

REGIONAL ARRANGEMENTS

Art. 44. (a) The Health Assembly shall from time to time define the geographical areas in which it is desirable to establish a regional organization.

(b) The Health Assembly may, with the consent of a majority of the Members situated within each area so defined, establish a regional organization to meet the special needs of such area. There shall not be more than one regional organization in each area.

Art. 45. Each regional organization shall be an integral part of the Organization in accordance with this Constitution.

Art. 46. Each regional organization shall consist of a Regional Committee and a Regional Office.

Art. 47. Regional Committees shall be composed of representatives of the Member States and Associate Members in the region concerned. Territories or groups of territories within the region, which are not responsible for the conduct of their international relations and which are not Associate Members, shall have the right to be represented and to participate in Regional Committees. The nature and extent of the rights and obligations of these territories or groups of territories in Regional Committees shall be determined by the Health Assembly in consultation with the Member or other authority having responsibility for the international relations of these territories and with the Member States in the region.

Art. 48. Regional Committees shall meet as often as necessary and shall determine the place of each meeting.

Art. 49. Regional Committees shall adopt their own rules of procedure.

Art. 50. The functions of the Regional Committee shall be:

(a) to formulate policies governing matters of an exclusively regional character;

(b) to supervise the activities of the Regional Office;

(c) to suggest to the Regional Office the calling of technical conferences and such additional work or investigation in health matters as in the

opinion of the Regional Committee would promote the objective of the Organization within the region;

(d) to co-operate with the respective regional committees of the United Nations and with those of other specialized agencies and with other regional international organizations having interests in common with the Organization;

(e) to tender advice, through the Director-General, to the Organization on international health matters which have wider than regional significance;

(f) to recommend additional regional appropriations by the governments of the respective regions if the proportion of the central budget of the Organization allotted to that region is insufficient for the carrying out of the regional functions;

(g) such other functions as may be delegated to the Regional Committee by the Health Assembly, the Board or the Director-General.

Art. 51. Subject to the general authority of the Director-General of the Organization, the Regional Office shall be the administrative organ of the Regional Committee. It shall, in addition, carry out within the region the decisions of the Health Assembly and of the Board.

Art. 52. The head of the Regional Office shall be the Regional Director appointed by the Board in agreement with the Regional Committee.

Art. 53. The staff of the Regional Office shall be appointed in a manner to be determined by agreement between the Director-General and the Regional Director.

Art. 54. The Pan American sanitary organizations represented by the Pan American Sanitary Bureau and the Pan American Sanitary Conferences, and all other inter-governmental regional health organizations in existence prior to the date of signature of this Constitution, shall in due course be integrated with the Organization. This integration shall be effected as soon as practicable common action based on mutual consent of the competent authorities expressed through the organizations concerned.

CHAPTER XII

BUDGET AND EXPENSES

Art. 55. The Director-General shall prepare and submit to the Board the annual budget estimates of the Organization. The Board shall consider and submit to the Health Assembly such budget estimates, together with any recommendations the Board may deem advisable.

Art. 56. Subject to any agreement between the Organization and the United Nations, the Health Assembly shall review and approve the budget estimates and shall apportion the expenses among the Members in accordance with a scale to be fixed by the Health Assembly.

Art. 57. The Health Assembly or the Board acting on behalf of the Health Assembly may accept and administer gifts and bequests made to the Organization provided that the conditions attached to such gifts or bequests are acceptable to the Health Assembly or the Board and are consistent with the objective and policies of the Organization.

Art. 58. A special fund to be used at the discretion of the Board shall be established to meet emergencies and unforeseen contingencies.

CHAPTER XIII

VOTING

Art. 59. Each Member shall have one vote in the Health Assembly.

Art. 60. (a) Decisions of the Health Assembly on important questions shall be made by a two-thirds majority of the Members present and voting. These questions shall include: the adoption of conventions or agreements; the approval of agreements bringing the Organization into relation with the United Nations and inter-governmental organizations and agencies in accordance with Articles 69, 70 and 72; amendments to this Constitution.

(b) Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the Members present and voting.

(c) Voting on analogous matters in the Board and in committees of the Organization shall be made in accordance with paragraphs (a) and (b) of this Article.

CHAPTER XIV

REPORTS SUBMITTED BY STATES

Art. 61. Each Member shall report annually to the Organization on the action taken and progress achieved in improving the health of its people.

Art. 62. Each Member shall report annually on the action taken with respect to recommendations made to it by the Organization and with respect to conventions, agreements and regulations.

Art. 63. Each Member shall communicate promptly to the Organization important laws, regulations, official reports and statistics pertaining to health which have been published in the State concerned.

Art. 64. Each Member shall provide statistical and epidemiological reports in a manner to be determined by the Health Assembly.

Art. 65. Each Member shall transmit upon the request of the Board such additional information pertaining to health as may be practicable.

CHAPTER XV

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

Art. 66. The Organization shall enjoy in the territory of each Member such legal capacity as may be necessary for the fulfilment of its objective and for the exercise of its functions.

Art. 67. (a) The Organization shall enjoy in the territory of each Member such privileges and immunities as may be necessary for the fulfilment of its objective and for the exercise of its functions.

(b) Representatives of Members, persons designated to serve on the Board and technical and administrative personnel of the Organization shall similarly enjoy such privileges and immunities as are necessary for the

independent exercise of their functions in connection with the Organization.

Art. 68. Such legal capacity, privileges and immunities shall be defined in a separate agreement to be prepared by the Organization in consultation with the Secretary-General of the United Nations and concluded between the Members.

CHAPTER XVI

RELATIONS WITH OTHER ORGANIZATIONS

Art. 69. The Organization shall be brought into relation with the United Nations as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations. The agreement or agreements bringing the Organization into relation with the United Nations shall be subject to approval by a two-thirds vote of the Health Assembly.

Art. 70. The Organization shall establish effective relations and co-operate closely with such other inter-governmental organizations as may be desirable. Any formal agreement entered into with such organizations shall be subject to approval by a two-thirds vote of the Health Assembly.

Art. 71. The Organization may, on matters within its competence, make suitable arrangements for consultation and co-operation with non-governmental international organizations and, with the consent of the government concerned, with national organizations, governmental or non-governmental.

Art. 72. Subject to the approval by a two-thirds vote of the Health Assembly, the Organization may take over from any other international organization or agency whose purpose and activities lie within the field of competence of the Organization such functions, resources and obligations as may be conferred upon the Organization by international agreement or by mutually acceptable arrangements entered into between the competent authorities of the respective organizations.

CHAPTER XVII

Amendments

Art. 73. Texts of proposed amendments to this Constitution shall be communicated by the Director-General to Members at least six months in advance of their consideration by the Health Assembly. Amendments shall come into force for all Members when adopted by a two-thirds vote of the Health Assembly and accepted by two-thirds of the Members in accordance with their respective constitutional processes.

CHAPTER XVIII

Interpretation

Art. 74. The Chinese, English, French, Russian and Spanish texts of this Constitution shall be regarded as equally authentic.

Art. 75. Any question or dispute concerning the interpretation or application of this Constitution which is not settled by negotiation or by

the Health Assembly shall be referred to the International Court of Justice in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement.

Art. 76. Upon authorization by the General Assembly of the United Nations or upon authorization in accordance with any agreement between the Organization and the United Nations, the Organization may request the International Court of Justice for an advisory opinion on any legal question arising within the competence of the Organization.

Art. 77. The Director-General may appear before the Court on behalf of the Organization in connection with any proceedings arising out of any such request for an advisory opinion. He shall make arrangements for the presentation of the case before the Court including arrangements for the argument of different views on the question.

CHAPTER XIX

ENTRY INTO FORCE

Art. 78. Subject to the provisions of Chapter III, this Constitution shall remain open to all States for signature or acceptance.

Art. 79. (a) States may become parties to this Constitution by

- (i) signature without reservation as to approval;
- (ii) signature subject to approval followed by acceptance; or
- (iii) acceptance.

(b) Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

Art. 80. This Constitution shall come into force when twenty-six Members of the United Nations have become parties to it in accordance with the provisions of Article 79.

Art. 81. In accordance with Article 102 of the Charter of the United Nations, the Secretary-General of the United Nations will register this Constitution when it has been signed without reservation as to approval on behalf of one State or upon deposit of the first instrument of acceptance.

Art. 82. The Secretary-General of the United Nations will inform States parties to this Constitution of the date when it has come into force. He will also inform them of the dates when other States have become parties to this Constitution.

IN FAITH WHEREOF the undersigned representatives having been duly authorized for that purpose, sign this Constitution.

DONE in the City of New York this twenty-second day of July 1946, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations will send certified copies to each of the Governments represented at the Conference.

AGREEMENT BETWEEN THE UNITED NATIONS AND THE WORLD HEALTH ORGANIZATION

July 10, 1948

PREAMBLE

Article 57 of the Charter of the United Nations provides that specialized agencies established by inter-governmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health and related fields shall be brought into relationship with the United Nations.

Article 69 of the Constitution of the World Health Organization provides that the Organization shall be brought into relation with the United Nations as one of the specialized agencies referred to in Article 57 of the Charter.

Therefore, the United Nations and the World Health Organization agree as follows:

Art. 1. The United Nations recognizes the World Health Organization as the specialized agency responsible for taking such action as may be appropriate under its Constitution for the accomplishment of the objectives set forth therein.

RECIPROCAL REPRESENTATION

Art. 2. 1. Representatives of the United Nations shall be invited to attend the meetings of the World Health Organization and its committees, the Executive Board, and such general, regional or other special meetings as the Organization may convene, and to participate, without vote, in the deliberations of these bodies.

2. Representatives of the World Health Organization shall be invited to attend meetings of the Economic and Social Council of the United Nations (hereinafter called the Council) and of its commissions and committees, and to participate, without vote, in the deliberations of these bodies with respect to items on their agenda relating to health matters.

3. Representatives of the World Health Organization shall be invited to attend meetings of the General Assembly for purposes of consultation on matters within the scope of its competence.

4. Representatives of the World Health Organization shall be invited to attend meetings of the main committees of the General Assembly when matters within the scope of its competence are under discussion, and to participate, without vote, in such discussions.

5. Representatives of the World Health Organization shall be invited to attend the meetings of the Trusteeship Council, and to participate, without vote, in the deliberations thereof with respect to items on the agenda relating to matters within the competence of the World Health Organization.

6. Written statements of the World Health Organization shall be dis-

tributed by the Secretariat of the United Nations to all members of the General Assembly, the Council and its commissions, and the Trusteeship Council, as appropriate. Similarly, written statements presented by the United Nations shall be distributed by the World Health Organization to all members of the World Health Assembly or the Executive Board, as appropriate.

PROPOSAL OF AGENDA ITEMS

Art. 3. Subject to such preliminary consultation as may be necessary, the World Health Organization shall include in the agenda of the Health Assembly or Executive Board, as appropriate, items proposed to it by the United Nations. Similarly, the Council and its commissions and the Trusteeship Council shall include in their agenda items proposed by the World Health Organization.

RECOMMENDATIONS OF THE UNITED NATIONS

Art. 4. 1. The World Health Organization, having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter, and the function and power of the Council, under Article 62 of the Charter, to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the co-ordination of the policies and activities of such specialized agencies, agrees to arrange for the submission, as soon as possible, to the Health Assembly, the Executive Board or such other organ of the World Health Organization as may be appropriate, of all formal recommendations which the United Nations may make to it.

2. The World Health Organization agrees to enter into consultation with the United Nations upon request with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Organization or by its members to give effect to such recommendations, or on the other results of their consideration.

3. The World Health Organization affirms its intention of co-operating in whatever further measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it agrees to participate in and to co-operate with any body or bodies which the Council may establish for the purpose of facilitating such co-ordination, and to furnish such information as may be required for the carrying out of this purpose.

EXCHANGE OF INFORMATION AND DOCUMENTS

Art. 5. 1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the World Health Organization.

2. Without prejudice to the generality of the provisions of paragraph 1:

(a) The World Health Organization agrees to transmit to the United Nations regular reports on the activities of the Organization;

(b) The World Health Organization agrees to comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in Article 16;

(c) The Secretary-General shall, upon request, transmit to the Director-General of the World Health Organization such information, documents or other material as may from time to time be agreed between them.

PUBLIC INFORMATION

Art. 6. Having regard to the functions of the World Health Organization, as defined in article 2, paragraphs (q) and (r), of its Constitution, to provide information in the field of health and to assist in developing an informed public opinion among all peoples on matters of health, and with a view to furthering co-operation and developing joint services in the field of public information between the Organization and the United Nations, a subsidiary agreement on such matters shall be concluded as soon as possible after the coming into force of the present agreement.

ASSISTANCE TO THE SECURITY COUNCIL

Art. 7. The World Health Organization agrees to co-operate with the Council in furnishing such information and rendering such assistance for the maintenance or restoration of international peace and security as the Security Council may request.

ASSISTANCE TO THE TRUSTEESHIP COUNCIL

Art. 8. The World Health Organization agrees to co-operate with the Trusteeship Council in the carrying out of its functions and in particular agrees that it will, to the greatest extent possible, render such assistance as the Trusteeship Council may request in regard to matters with which the Organization is concerned.

NON-SELF-GOVERNING TERRITORIES

Art. 9. The World Health Organization agrees to co-operate with the United Nations in giving effect to the principles and obligations set forth in Chapter XI of the Charter with regard to matters affecting the well-being and development of the peoples of Non-Self-Governing Territories.

RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

Art. 10. 1. The World Health Organization agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

2. The General Assembly authorizes the World Health Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its competence other than questions

concerning the mutual relationships of the Organization and the United Nations or other specialized agencies.

3. Such request may be addressed to the Court by the Health Assembly or by the Executive Board acting in pursuance of an authorization by the Health Assembly.

4. When requesting the International Court of Justice to give an advisory opinion, the World Health Organization shall inform the Economic and Social Council of the request.

HEADQUARTERS AND REGIONAL OFFICES

Art. 11. 1. The World Health Organization agrees to consult with the United Nations before making any decision concerning the location of its permanent headquarters.

2. Any regional or branch offices which the World Health Organization may establish shall, so far as is practicable, be closely associated with such regional or branch offices as the United Nations may establish.

PERSONNEL ARRANGEMENTS

Art. 12. 1. The United Nations and the World Health Organization recognize that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative co-ordination, and with this end in view agree to develop, as far as is practicable, common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the World Health Organization agree to co-operate to the fullest extent possible in achieving these ends and in particular they agree to:

(a) Consult together concerning the establishment of an international civil service commission to advise on the means by which common standards of recruitment in the secretariats of the United Nations and of the specialized agencies may be ensured;

(b) Consult together concerning other matters relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules with a view to securing as much uniformity in these matters as shall be found practicable;

(c) Co-operate in the interchange of personnel when desirable on a temporary or permanent basis, making due provision for the retention of seniority and pension rights;

(d) Co-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connexion with the employment of personnel and related matters.

STATISTICAL SERVICES

Art. 13. 1. The United Nations and the World Health Organization agree to strive for maximum co-operation, the elimination of all undesira-

ble duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilisation of statistical information and to minimize the burdens placed upon national Governments and other organizations from which such information may be collected.

2. The World Health Organization recognizes the United Nations as the central agency for the collection, analysis, publication, standardization dissemination and improvement of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the World Health Organization as the appropriate agency for the collection, analysis, publication, standardization, dissemination and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as they may be essential for its own purpose or for the improvement of statistics throughout the world.

4. The United Nations shall, in consultation with the specialized agencies, develop administrative instruments and procedures through which effective statistical co-operation may be secured between the United Nations and the agencies brought into relationship with it.

5. It is recognized as desirable that the collection of statistical information should not be duplicated by the United Nations or any of the specialized agencies whenever it is practicable for any of them to utilise information or materials which another may have available.

6. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the World Health Organization for incorporation in its basic statistical series or special reports should, so far as is practicable, be made available to the United Nations.

ADMINISTRATIVE AND TECHNICAL SERVICES

Art. 14. 1. The United Nations and the World Health Organization recognize the desirability, in the interest of administrative and technical uniformity and of the most efficient use of personnel and resources, of avoiding, whenever possible, the establishment and operation of competitive or overlapping facilities and services among the United Nations and the specialized agencies.

2. Accordingly, the United Nations and the World Health Organization agree to consult together concerning the establishment and use of common administrative and technical services and facilities in addition to those referred to in Articles 12, 13 and 15, in so far as the establishment and use of such services may from time to time be found practicable and appropriate.

3. Arrangements shall be made between the United Nations and the World Health Organization with regard to registration and deposit of official documents.

BUDGETARY AND FINANCIAL ARRANGEMENTS

Art. 15. 1. The World Health Organization recognizes the desirability

of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and of the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of co-ordination and uniformity with respect to these operations shall be secured.

2. The United Nations and the World Health Organization agree to co-operate to the fullest extent possible in achieving these ends and, in particular, shall consult together concerning the desirability of the inclusion of the budget of the Organization within a general budget of the United Nations. Any arrangements to this effect shall be defined in a supplementary agreement between the two organizations.

3. Pending the conclusion of any such agreement, the following arrangements shall govern budgetary and financial relationships between the World Health Organization and the United Nations:

(a) The Secretary-General and the Director-General shall arrange for consultation in connexion with the preparation of the budget of the World Health Organization.

(b) The World Health Organization agrees to transmit its proposed budget to the United Nations annually at the same time as such budget is transmitted to its members. The General Assembly shall examine the budget or proposed budget of the Organization and may make recommendations to it concerning any item or items contained therein.

(c) Representatives of the World Health Organization shall be entitled to participate, without vote, in the deliberations of the General Assembly or any committee thereof at all times when the budget of the World Health Organization or general administrative or financial questions affecting the Organization are under consideration.

(d) The United Nations may undertake the collection of contributions from those members of the World Health Organization which are also Members of the United Nations in accordance with such arrangements as may be defined by a later agreement between the United Nations and the Organization.

(e) The United Nations shall, upon its own initiative or upon the request of the World Health Organization, arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organization and to other specialized agencies with a view to the provision of common services and the securing of uniformity in such matters.

(f) The World Health Organization agrees to conform, as far as may be practicable, to standard practices and forms recommended by the United Nations.

FINANCING OF SPECIAL SERVICES

Art. 16. 1. In the event of the World Health Organization being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with Articles 5, 7, 8, or with other provisions of this agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the World Health

Organization shall similarly take place with a view to making such arrangements as may be found equitable for covering the costs of central administrative, technical or fiscal services or facilities or other special assistance provided by the United Nations, in so far as they apply to the World Health Organization.

UNITED NATIONS "LAISSEZ-PASSER"

Art. 17. Officials of the World Health Organization shall have the right to use the *laissez-passer* of the United Nations in accordance with the special arrangements to be negotiated between the Secretary-General of the United Nations and the Director-General of the World Health Organization.

INTER-AGENCY AGREEMENTS

Art. 18. The World Health Organization agrees to inform the Council of any formal agreement between the Organization and any other specialized agency, intergovernmental organization or non-governmental organization, and in particular agrees to inform the Council of the nature and scope of any such agreement before it is concluded.

LIAISON

Art. 19. 1. The United Nations and the World Health Organization agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking whatever further measures may be necessary to make this liaison fully effective.

2. The liaison arrangements provided for in the foregoing articles of this agreement shall apply, as far as is appropriate, to the relations between such branch or regional offices as may be established by the two organizations, as well as between their central headquarters.

IMPLEMENTATION OF THE AGREEMENT

Art. 20. The Secretary-General and the Director-General may enter into such supplementary arrangements for the implementation of this agreement as may be found desirable in the light of the operating experience of the two organizations.

REVISION

Art. 21. This agreement shall be subject to revision by agreement between the United Nations and the World Health Organization.

ENTRY INTO FORCE

Art. 22. This agreement shall come into force on its approval by the General Assembly of the United Nations and the World Health Assembly.

BIBLIOGRAPHY

The First Ten Years of the World Health Organization. WHO, Geneva 1958.

Basic Documents, ninth edition, WHO, Geneva 1958.

Handbook of Resolutions and Decisions of the World Health Assembly and the Executive Board, fifth edition, WHO, Geneva 1959.

Publications of the World Health Organization 1947–1957, A Bibliography. WHO, Geneva 1958.

WORLD METEOROLOGICAL ORGANIZATION

ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Convention of the World Meteorological Organization was opened for signature in Washington on October 11, 1947 and entered into effect on March 23, 1950, the thirtieth day after the date of deposit of the thirtieth instrument of ratification or accession, in accordance with Article 35 of the Convention. The Convention was drawn up by a Conference of Directors of the International Meteorological Organization. The latter organization was established in 1878 by the International Meteorological Meeting in Utrecht and its Statutes were revised in 1919, 1923, 1929, 1931 and 1935. The International Meteorological Organization transferred its activities, resources and obligations to the World Meteorological Organization on April 4, 1951. The Organization is a specialized agency of the United Nations.

The Convention provides that a member may withdraw upon twelve months' notice¹ and may be suspended for failing to meet its financial or other obligations.²

FUNCTIONS AND POWERS OF THE ORGANIZATION

The purposes of the Organization are:

(a) To facilitate worldwide co-operation in the establishment of networks of stations for the making of meteorological observations or other geophysical observations related to meteorology and to promote the establishment and maintenance of meteorological centers charged with the provision of meteorological services;

(b) To promote the establishment and maintenance of systems for the rapid exchange of weather information;

(c) To promote standardization of meteorological observations and to ensure the uniform publication of observations and statistics;

(d) To further the application of meteorology to aviation, shipping, agriculture, and other human activities; and

(e) To encourage research and training in meteorology and to assist in co-ordinating the international aspects of such research and training.³

¹ Convention, Art. 30.

² Id., Art. 31.

³ Id., Art. 2.

ORGANS

The organs are:

(1) The World Meteorological Congress composed of delegates representing members, each member having one vote.¹

(2) The Executive Committee, composed of the President and Vice-presidents of the Organizations, the Presidents of Regional Associations or their alternates, and Directors of Meteorological services of members of the Organization or their alternates.² Each member has one vote.³ The Executive Committee meets at least once a year.

(3) Regional Associations, composed of the members of the Organization, the networks of which lie or extend into the Region.⁴

(4) Technical Commissions, as established by the Congress.⁵

(5) The Secretariat. The Secretary-General is appointed by the Congress.⁶

MEMBERSHIP

The members are Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cambodia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, German Federal Republic, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Korea, Laos, Lebanon, Libya, Luxembourg, Madagascar, Malaya, Mali, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Roumania, Saudi Arabia, Senegal, Spain, Sudan, Sweden, Switzerland, Thailand, Togo, Tunisia, Turkey, Ukraine, Union of South Africa, USSR, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Vietnam and Yugoslavia. Other members⁷ are British East African Territories, Singapore and British Borneo Territories, Federation of Rhodesia and Nyasaland, French Polynesia, French Somaliland, Hong Kong, Mauritius, Netherlands Antilles, Netherlands New Guinea, New Caledonia, Portuguese East Africa, Portuguese West Africa, Spanish Guinea Territories, Surinam, West Indies and other British Caribbean Territories, Ruanda-Urundi.

MEANS OF FINANCIAL SUPPORT

Expenditures of the Organization are apportioned among the Members of the Organization in proportions determined by the Congress.⁸

¹ Id., Art. 6, 10.

² Id., Art. 13.

³ Id., Art. 16.

⁴ Id., Art. 18.

⁵ Id., Art. 19.

⁶ Id., Arts. 20, 21.

⁷ Id., Art. 3(d)-(f).

⁸ Id., Article 24.

RELATIONS WITH OTHER INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

The World Meteorological Organization is a specialized agency of the United Nations. As such it has liaison with all other specialized agencies, and in particular with the International Civil Aviation Organization and the International Telecommunications Union.

HEADQUARTERS

Its headquarters are at 1 Avenue de la Paix, Geneva.

CONVENTION OF THE WORLD METEOROLOGICAL ORGANIZATION¹

October 11, 1947

With a view to co-ordinating, standardizing, and improving world meteorological activities and to encouraging an efficient exchange of meteorological information between countries in the aid of human activities the contracting States agree to the present Convention, as follows:

PART I

Establishment

Art. 1. The World Meteorological Organization (hereinafter called the Organization) is hereby established.

PART II

Purposes

Art. 2. The purposes of the Organization shall be:

(a) To facilitate worldwide co-operation in the establishment of networks of stations for the making of meteorological observations or other geophysical observations related to meteorology and to promote the establishment and maintenance of meteorological centers charged with the provision of meteorological services;

(b) To promote the establishment and maintenance of systems for the rapid exchange of weather information;

(c) To promote standardization of meteorological observations and to ensure the uniform publication of observations and statistics;

(d) To further the application of meteorology to aviation, shipping, agriculture, and other human activities; and

(e) To encourage research and training in meteorology and to assist in co-ordinating the international aspects of such research and training.

PART III

MEMBERSHIP

Members

Art. 3. The following may become Members of the Organization by the procedure set forth in the present Convention:

(a) Any State represented at the Conference of Directors of the International Meteorological Organization convened at Washington, D. C., on September 22, 1947, as listed in Annex I attached hereto, and which signs

¹ U.S. Treaties and other International Acts Series 2052.

the present Convention and ratifies it in accordance with Article 32, or which accedes thereto, in accordance with Article 33;

(b) Any Member of the United Nations having a meteorological service by acceding to the present Convention in accordance with Article 33;

(c) Any State, fully responsible for the conduct of its international relations and having a meteorological service, not listed in Annex I of the present Convention and not a Member of the United Nations, after the submission of a request for membership to the Secretariat of the Organization and after its approval by two-thirds of the Members of the Organization as specified in paragraphs (a), (b) and (c) of this Article by acceding to the present Convention in accordance with Article 33;

(d) Any territory or group of territories maintaining its own meteorological service and listed in Annex II attached hereto, upon application of the present Convention on its behalf, in accordance with paragraph (a) of Article 34, by the State or States responsible for its international relations and represented at the Conference of Directors of the International Meteorological Organization convened at Washington, D. C., on September 22, 1947, as listed in Annex I of the present Convention.

(e) Any territory or group of territories, not listed in Annex II of the present Convention, maintaining its own meteorological service, but not responsible for the conduct of its international relations, on behalf of which the present Convention is applied in accordance with paragraph (b) of Article 34, provided that the request for membership is presented by the Member responsible for its international relations, and secures approval by two-thirds of the Members of the Organization as specified in paragraphs (a), (b) and (c) of this Article.

(f) Any trust territory or group of trust territories maintaining its own meteorological service and administered by the United Nations to which the United Nations applies the present Convention in accordance with Article 34.

Any request for membership in the Organization shall state in accordance with which paragraph of this Article membership is sought.

PART IV

ORGANIZATION

Art. 4. (a) The Organization shall comprise:

(1) The World Meteorological Congress (hereinafter called the Congress);

(2) The Executive Committee;

(3) Regional Meteorological Associations (hereinafter called the Regional Associations);

(4) Technical Commissions;

(5) The Secretariat.

(b) There shall be a President and two Vice-Presidents of the Organization who shall also be President and Vice-Presidents of the Congress and of the Executive Committee.

PART V

ELIGIBILITY

Art. 5. (a) Eligibility for election to the offices of President and Vice-President of the Organization, of President and Vice-President of the Regional Associations, and for membership, subject to the provisions of Article 13 (c) of the present Convention, on the Executive Committee should be confined to the Directors of Meteorological Services of Members of the Organization.

(b) In the performance of their duties, the officers of the Organization and the members of the Executive Committee should regard themselves as representatives of the Organization rather than as representatives of particular Members thereof.

PART VI

THE WORLD METEOROLOGICAL CONGRESS

Composition

Art. 6. (a) The Congress is the supreme body of the Organization and shall be composed of delegates representing Members. Each Member shall designate one of its delegates, who should be the director of its meteorological service, as its principal delegate.

(b) With a view to securing the widest possible technical representation any director of a meteorological service or any other individual may be invited by the President to be present at and participate in the discussions of the Congress.

Functions

Art. 7. The functions of the Congress shall be:

(a) To determine general regulations, subject to the provisions of the present Convention, prescribing the constitution and the functions of the various bodies of the Organization;

(b) To determine its own rules of procedure;

(c) To elect the President and Vice-Presidents of the Organization, and other Members of the Executive Committee, in accordance with the provisions of Article 10 (a) (4) of the present Convention. Presidents and Vice-Presidents of Regional Associations and Technical Commissions shall be elected in accordance with the provisions of Articles 18 (e) and 19 (c), respectively, of the present Convention;

(d) To adopt technical regulations covering meteorological practices and procedures;

(e) To determine general policies for the fulfilment of the purposes of the Organization as set forth in Article 2 of the present Convention;

(f) To make recommendations to members on matters within the purposes of the Organization;

(g) To refer to any other body of the Organization any matter within the provisions of the present Convention upon which such body is empowered to act;

(h) To consider the reports and activities of the Executive Committee and to take such action in regard thereto as the Congress may determine;

(i) To establish Regional Associations in accordance with the provisions of Article 18; to determine their geographical limits, co-ordinate their activities, and consider their recommendations;

(j) To establish Technical Commissions in accordance with the provisions of Article 19; to define their terms of reference, co-ordinate their activities, and consider their recommendations;

(k) To determine the location of the Secretariat of the Organization;

(l) To take any other appropriate action to further the purposes of the Organization.

Execution of Congress Decisions

Art. 8. (a) All Members shall do their utmost to implement the decisions of the Congress.

(b) If, however, any Member finds it impracticable to give effect to some requirement in a technical resolution adopted by Congress, such Member shall inform the Secretary General of the Organization whether its inability to give effect to it is provisional or final, and state its reasons therefor.

Meetings

Art. 9. Meetings of the Congress shall be convened by decision of the Congress or of the Executive Committee at intervals not exceeding four years.

Voting

Art. 10. (a) Each Member shall have one vote in decisions of the Congress, except that only Members of the Organization which are States, as specified in paragraphs (a), (b) and (c) of Article 3 of the present Convention, (hereinafter referred to as "Members which are States"), shall be entitled to vote on any of the following subjects:

(1) Amendment or interpretation of the present Convention or proposals for a new Convention;

(2) Membership of the Organization;

(3) Relations with the United Nations and other intergovernmental organizations;

(4) Election of the President and Vice-Presidents of the Organization and of the members of the Executive Committee other than the Presidents and Vice-Presidents of the Regional Associations.

(b) Decisions of the Congress shall be by two-thirds majority of the votes cast for and against, except that elections of individuals to serve in any capacity in the Organization shall be by simple majority of the votes cast. The provisions of this paragraph, however, shall not apply to decisions taken in accordance with Articles 3, 25, 26, and 28 of the present Convention.

Quorum

Art. 11. A majority of the Members shall be required to constitute a

quorum for meetings of the Congress. For those meetings of the Congress at which decisions are taken on the subjects enumerated in paragraph (a) of Article 10, a majority of the Members which are States shall be required to constitute a quorum.

First Meeting of the Congress

Art. 12. The first meeting of the Congress shall be convened by the President of the International Meteorological Committee of the International Meteorological Organization as soon as practicable after the coming into force of the present Convention.

PART VII

THE EXECUTIVE COMMITTEE

Composition

Art. 13. The Executive Committee shall consist of:

- (a) The President and Vice-Presidents of the Organization;
- (b) The Presidents of Regional Associations, or in the event that Presidents cannot attend, alternates as provided for in the general regulations;
- (c) Directors of Meteorological Services of Members of the Organization or their alternates, equal in number to the number of Regions, provided that not more than one-third of the members of the Executive Committee, including the President and Vice-Presidents of the Organization, shall come from one region.

Functions

Art. 14. The Executive Committee is the executive body of the Congress and its functions shall be:

- (a) To supervise the execution of the resolutions of the Congress;
- (b) To adopt resolutions arising out of recommendations of the Technical Commissions on matters of urgency affecting the technical regulations, provided that all Regional Associations concerned are given an opportunity to express their approval or disapproval before adoption by the Executive Committee;
- (c) To provide technical information, counsel, and assistance in the field of meteorology;
- (d) To study and make recommendations on any matter affecting international meteorology and the operation of meteorological services;
- (e) To prepare the agenda for the Congress and to give guidance to the Regional Associations and Technical Commissions in the preparation of their agenda;
- (f) To report on its activities to each session of the Congress;
- (g) To administer the finances of the Organization in accordance with the provisions of Part XI of the present Convention;
- (h) To perform such other functions as may be conferred on it by the Congress or by the present Convention.

Meetings

Art. 15. The Executive Committee shall meet at least once a year. The time and place of the meeting shall be determined by the President of the Organization, taking account of the views of the other members of the Committee.

Voting

Art. 16. Decisions of the Executive Committee shall be by two-thirds majority of the votes cast for and against. Each member of the Executive Committee shall have only one vote, notwithstanding that he may be a member in more than one capacity.

Quorum

Art. 17. The quorum shall consist of a majority of the members of the Executive Committee.

PART VIII

REGIONAL ASSOCIATIONS

Art. 18. (a) Regional Associations shall be composed of the Members of the Organization, the networks of which lie in or extend into the Region.

(b) Members of the Organization shall be entitled to attend the meetings of Regional Associations to which they do not belong, take part in the discussions, present their views upon questions affecting their own Meteorological Service, but shall not have the right to vote.

(c) Regional Associations shall meet as often as necessary. The time and place of the meeting shall be determined by the Presidents of the Regional Associations in agreement with the President of the Organization.

(d) The functions of the Regional Associations shall be:

(i) To promote the execution of the resolutions of Congress and the Executive Committee in their respective regions;

(ii) To consider matters brought to their attention by the Executive Committee;

(iii) To discuss matters of general meteorological interest and to co-ordinate meteorological and associated activities in their respective regions;

(iv) To make recommendations to Congress and the Executive Committee on matters within the purposes of the Organisation;

(v) To perform such other functions as may be conferred on them by the Congress.

(e) Each Regional Association shall elect its President and Vice-President.

PART IX

TECHNICAL COMMISSIONS

Art. 19. (a) Commissions consisting of technical experts may be established by the Congress to study and make recommendations to the Congress and the Executive Committee on any subject within the purposes of the Organization.

(b) Members of the Organization have the right to be represented on the Technical Commissions.

(c) Each Technical Commission shall elect its President and Vice-President.

(d) Presidents of Technical Commissions may participate without vote in the meetings of the Congress and of the Executive Committee.

PART X

THE SECRETARIAT

Art. 20. The permanent Secretariat of the Organization shall be composed of a Secretary-General and such technical and clerical staff as may be required for the work of the Organization.

Art. 21. (a) The Secretary-General shall be appointed by the Congress on such terms as the Congress may approve.

(b) The staff of the Secretariat shall be appointed by the Secretary General with the approval of the Executive Committee in accordance with regulations established by the Congress.

Art. 22. (a) The Secretary-General is responsible to the President of the Organization for the technical and administrative work of the Secretariat.

(b) In the performance of their duties, the Secretary-General and the staff shall not seek or receive instructions from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officers. Each Member of the Organization on its part shall respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not seek to influence them in the discharge of their responsibilities to the Organization.

PART XI

FINANCES

Art. 23. (a) The Congress shall determine the maximum expenditures which may be incurred by the Organization on the basis of estimates submitted by the Secretary-General and recommended by the Executive Committee.

(b) The Congress shall delegate to the Executive Committee such authority as may be required to approve the annual expenditures of the Organization within the limitations determined by the Congress.

Art. 24. The expenditures of the Organization shall be apportioned among the Members of the Organization in the proportions determined by the Congress.

PART XII

RELATIONS WITH THE UNITED NATIONS

Art. 25. The Organization shall be brought into relationship with the United Nations pursuant to Article 57 of the Charter of the United Nations,

subject to the approval of the terms of the agreement by two-thirds of the Members which are States.

PART XIII

RELATIONS WITH OTHER ORGANIZATIONS

Art. 26. (a) The Organization shall establish effective relations and co-operate closely with such other intergovernmental organizations as may be desirable. Any formal agreement entered into with such organizations shall be made by the Executive Committee, subject to approval by two-thirds of the Members which are States.

(b) The Organization may on matters within its purposes make suitable arrangements for consultation and co-operation with non-governmental international organizations and, with the consent of the government concerned, with national organizations, governmental or non-governmental.

(c) Subject to approval by two-thirds of the Members which are States, the Organization may take over from any other international organization or agency, the purpose and activities of which lie within the purposes of the Organization, such functions, resources, and obligations as may be transferred to the Organization by international agreement or by mutually acceptable arrangements entered into between the competent authorities of the respective organizations.

PART XIV

LEGAL STATUS, PRIVILEGES AND IMMUNITIES

Art. 27. (a) The Organization shall enjoy in the territory of each Member such legal capacity as may be necessary for the fulfilment of its purposes and for the exercise of its functions.

(b) (i) The Organization shall enjoy in the territory of each Member to which the present Convention applies such privileges and immunities as may be necessary for the fulfilment of its purposes and for the exercise of its functions.

(b) (ii) Representatives of Members and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

(c) Such legal capacity, privileges, and immunities shall be defined in a separate agreement to be prepared by the Organization in consultation with the Secretary-General of the United Nations and concluded between the Members which are States.

PART XV

AMENDMENTS

Art. 28. (a) The text of any proposed amendment to the present Convention shall be communicated by the Secretary-General to Members of

the Organization at least six months in advance of its consideration by the Congress.

(b) Amendments to the present Convention involving new obligations for Members shall require approval by the Congress, in accordance with the provisions of Article 10 of the present Convention, by a two-thirds majority vote, and shall come into force on acceptance by two-thirds of the Members which are States for each such Member accepting the amendment and thereafter for each remaining such Member on acceptance by it. Such amendments shall come into force for any Member not responsible for its own international relations upon the acceptance on behalf of such a Member by the Member responsible for the conduct of its international relations.

(c) Other amendments shall come into force upon approval by two-thirds of the Members which are States.

PART XVI

INTERPRETATION AND DISPUTES

Art. 29. Any question or dispute concerning the interpretation or application of the present Convention which is not settled by negotiation or by the Congress shall be referred to an independent arbitrator appointed by the President of the International Court of Justice, unless the parties concerned agree on another mode of settlement.

PART XVII

WITHDRAWAL

Art. 30. (a) Any Member may withdraw from the Organization on twelve months' notice in writing given by it to the Secretary-General of the Organization, who shall at once inform all the Members of the Organization of such notice of withdrawal.

(b) Any Member of the Organization not responsible for its own international relations may be withdrawn from the Organization on twelve months' notice in writing given by the Member or other authority responsible for its international relations to the Secretary-General of the Organization, who shall at once inform all the Members of the Organization of such notice of withdrawal.

PART XVIII

SUSPENSION

Art. 31. If any Member fails to meet its financial obligations to the Organization or otherwise fails in its obligations under the present Convention, the Congress may by resolution suspend it from exercising its rights and enjoying privileges as a Member of the Organization until it has met such financial or other obligations.

PART XIX

RATIFICATION AND ACCESSION

Art. 32. The present Convention shall be ratified by the signatory States and the instruments of ratification shall be deposited with the Government of the United States of America, which will notify each signatory and acceding State of the date of deposit thereof.

Art. 33. Subject to the provisions of Article 3 of the present Convention accession shall be effected by the deposit with the Government of the United States of America of an instrument of accession, which shall take effect on the date of its receipt by the Government of the United States of America, which will notify each signatory and acceding State thereof.

Art. 34. Subject to the provisions of Article 3 of the present Convention,

(a) Any contracting State may declare that its ratification of, or accession to, the present Convention includes any territory or group of territories for the international relations of which it is responsible.

(b) The present Convention may at any time thereafter be applied to any such territory or group of territories upon a notification in writing to the Government of the United States of America and the present Convention shall apply to the territory or group of territories on the date of the receipt of the notification by the Government of the United States of America, which will notify each signatory and acceding State thereof.

(c) The United Nations may apply the present Convention to any trust territory or group of trust territories for which it is the administering authority. The Government of the United States of America will notify all signatory and acceding States of any such application.

PART XX

ENTRY INTO FORCE

Art. 35. The present Convention shall come into force on the thirtieth day after the date of the deposit of the thirtieth instrument of ratification or accession. The present Convention shall come into force for each State ratifying or acceding after that date on the thirtieth day after the deposit of its instrument of ratification or accession.

The present Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of 120 days thereafter.

AGREEMENT BETWEEN THE UNITED NATIONS AND THE WORLD METEOROLOGICAL ORGANIZATION

December 20, 1951

PREAMBLE

In consideration of the provisions of Article 57 of the Charter of the United Nations and of Article 25 of the Convention of the World Meteorological Organization, the United Nations and the World Meteorological Organization agree as follows:

Art. 1. The United Nations recognizes the World Meteorological Organization (hereinafter called "the Organization") as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

RECIPROCAL REPRESENTATION

Art. 2. 1. The United Nations shall be invited to send representatives to participate, without vote, in the deliberations of all the congresses and meetings of the Executive Committee and regional associations. It shall also, after appropriate consultation, be invited to send representatives to attend meetings of the technical commissions or any other meetings convened by the Organization with the right to participate without vote in the discussion of items of interest to the United Nations.

2. The Organization shall be invited to send representatives to attend meetings of the Economic and Social Council of the United Nations (hereinafter called "the Council"), of its commissions and committees and to participate, without vote, in the deliberations thereof with respect to items on the agenda in which the Organization may be concerned.

3. The Organization shall be invited to send representatives to attend the meetings of the General Assembly during which questions within the competence of the Organization are under discussion for purposes of consultation, and to participate, without vote, in the deliberations of the main committees of the General Assembly with respect to items concerning the Organization.

4. The Organization shall be invited to send representatives and to attend meetings of the Trusteeship Council of the United Nations and to participate, without vote, in the deliberations thereof, with respect to items on its agenda relating to meteorological matters.

5. Written statements presented by the Organization shall be distributed by the Secretariat of the United Nations to the members of the General Assembly, the Council and its commissions, and the Trusteeship Council as appropriate. Similarly, written statements presented by the United Nations shall be distributed by the Organization to its members.

PROPOSAL OF AGENDA ITEMS

Art. 3. Subject to such preliminary consultation as may be necessary, the Organization shall include on the agenda of its congresses and meetings of the Executive Committee, regional associations and technical commissions or, as the case may be, shall submit to its members items proposed to it by the United Nations. Similarly, the Council, its commissions and committees and the Trusteeship Council shall include on their agenda items proposed by the Organization.

RECOMMENDATIONS OF THE UNITED NATIONS

Art. 4. 1. The Organization, having regard to the obligations of the United Nations to promote the objectives set forth in Article 55 of the Charter, and the functions and power of the Economic and Social Council under Article 62 of the Charter to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the co-ordination of the policies and activities of such specialized agencies, agrees to arrange for the submission as soon as possible to its appropriate organ or to its members for such action as may seem proper, of all formal recommendations which the United Nations may make to it.

2. The Organization agrees to enter into consultation with the United Nations upon request with respect to such recommendations and in due course to report to the United Nations on the action taken by the Organization or by its members to give effect to such recommendations, or on the other results of their consideration.

3. The Organization agrees to co-operate in whatever further measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it agrees to co-operate with any body or bodies which the Council may establish for the purpose of facilitating such co-ordination and furnish such information as may be required for the carrying out of this purpose.

EXCHANGE OF INFORMATION AND DOCUMENTS

Art. 5. 1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the Organization to meet the requirements of each.

2. Without prejudice to the generality of the provisions of the preceding paragraph:

(a) The Organization shall submit to the United Nations an annual report on its activities.

(b) The Organization shall comply to the fullest extent practicable with any request which the United Nations may make for the furnishing

of special reports, studies or information, subject to the conditions set forth in Article 13.

(c) The Secretary-General of the United Nations shall, upon request, consult with the Secretary-General of the Organization regarding the provision to the Organization of such information as may be of special interest to it.

ASSISTANCE TO THE UNITED NATIONS

Art. 6. The Organization agrees to co-operate with and to render all possible assistance to the United Nations, its principal and subsidiary organs, in accordance with the United Nations Charter and the World Meteorological Convention, taking fully into account the particular position of the individual members of the Organization which are not members of the United Nations.

RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

Art. 7. 1. The Organization agrees to furnish any information which may be requested by the International Court of Justice in pursuance of article 34 of the Statute of the Court.

2. The General Assembly authorizes the Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its competence other than questions concerning the mutual relationships of the Organization with the United Nations or with other specialized agencies.

3. Such requests may be addressed to the Court by the Congress or by the Executive Committee acting in pursuance of an authorization by the Congress.

4. When requesting the International Court of Justice to give an advisory opinion, the Organization shall inform the Council of the request.

HEADQUARTERS AND REGIONAL OFFICES

Art. 8. 1. The Organization agrees to consult with the United Nations before making any decision concerning the location of its permanent headquarters.

2. Having due regard to the special needs of world meteorology, any regional or branch office which the Organization may establish shall so far as is practicable be closely associated with such regional or branch offices as the United Nations or other specialized agencies may establish.

PERSONNEL ARRANGEMENTS

Art. 9. 1. The United Nations and the Organization agree to develop as far as practicable common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate any mutually desirable interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the Organization agree to co-operate to the fullest extent possible in achieving these ends and to consult in regard to

the participation of the Organization on the work of the International Civil Service Advisory Board and the United Nations Joint Staff Pension Fund.

3. The United Nations and the Organization agree further to consult as to the desirability of concluding a special agreement extending the competence of the United Nations Administrative Tribunal to the Organization.

STATISTICAL SERVICES

Art. 10. 1. The United Nations and the Organization agree to strive for maximum co-operation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication, standardization, improvement and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilisation of statistical information and to minimize the burdens placed upon national governments and other organizations from which such information may be collected.

2. The Organization recognizes the United Nations as the central agency for the collection, analysis, publication, standardization, improvement and dissemination of statistics serving the general purposes of international organizations.

3. In view of the fact that meteorological statistics of universal application to scientific research, aviation, shipping, agriculture, health and other human activities can best be derived from data collected and compiled by or through the Organization, the United Nations recognizes the Organization as the specialized agency responsible in conformity with Article 2 of its Convention for the collection, analysis, publication, standardization, improvement and dissemination of statistics in the field of meteorology and its applications, and for the supply of such statistics to other specialized agencies without prejudice to the right of the United Nations to concern itself with such statistics so far as it may be essential for its own purposes or for the improvement of statistics throughout the world. All decisions as to the form in which its service documentation shall be compiled rest with the Organization.

4. The United Nations shall, in consultation with the Organization, and with the other specialized agencies where appropriate, develop administrative instruments and procedures through which effective statistical co-operation may be secured between the United Nations and the specialized agencies and among the specialized agencies themselves.

5. It is recognized as important that the collection of meteorological statistical information shall not be duplicated by the United Nations or any of its other specialized agencies whenever it is practicable for any of them to utilise information or material which the Organization has or can make available.

6. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the Organization for incorporation in its basic statistical series or special reports should, so far as practicable, be made available to the United Nations upon request.

7. It is agreed that data supplied to the United Nations by other sources than that of the Organization for incorporation in its basic statistical series or special reports or for other purposes should, so far as practicable and appropriate, be made available to the latter upon request.

ADMINISTRATIVE AND TECHNICAL SERVICES

Art. 11. 1. The United Nations and the Organization recognize the desirability, in the interest of the most efficient use of personnel and resources, of avoiding, whenever possible, the establishment of competitive or overlapping services, and agree when necessary to consult thereon to achieve these ends.

2. Arrangements shall be made between the United Nations and the Organization in regard to the registration and deposit of official documents.

3. Officials of the Organization shall have the right to use the *laissez-passer* of the United Nations in accordance with special arrangements to be negotiated between the Secretary-General of the United Nations and the competent authorities of the Organization.

BUDGETARY AND FINANCIAL ARRANGEMENTS

Art. 12. 1. The Organization recognizes the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and of the specialized agencies shall be carried out in the most efficient and economical manner possible and that the maximum measure of co-ordination and uniformity with respect to these operations shall be secured.

2. The United Nations and the Organization agree to co-operate to the fullest extent possible in achieving these ends and, in particular, shall, if it appears expedient to both organizations, consult together concerning the desirability of making appropriate arrangements for the inclusion of the budget of the Organization within a general budget of the United Nations. Any such arrangement shall be defined in a supplementary agreement between the two Organizations.

3. Pending the conclusion of any such agreement the following arrangement shall govern budgetary and financial relationships between the United Nations and the Organization:

(a) In the preparation of the budget of the Organization, the Secretariat of the Organization shall consult with the Secretary-General of the United Nations with a view to achieving, in so far as practicable, uniformity in presentation of the budgets of the United Nations and of the specialized agencies for the purpose of providing a basis for comparison of the several budgets

(b) The Organization agrees to transmit its budgets or budgetary estimates to the United Nations by 1 July of the preceding year or such other date as may be agreed upon by the United Nations and the Organization. The General Assembly shall examine the budget or budgetary estimates of the Organization and may make such recommendations as it may consider necessary.

(c) Representatives of the Organization shall be entitled to participate, without vote, in the deliberations of the General Assembly or any committee thereof or established by it, at all times when the budget of the

Organization or general administrative or financial questions affecting the Organization are under consideration.

(d) The United Nations may undertake the collection of contributions from those members of the Organization which are also Members of the United Nations in accordance with such arrangements as may be defined by a later agreement between the United Nations and the Organization.

(e) The United Nations shall, upon its own initiative or upon the request of the Organization, arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organization and to other specialized agencies with a view to the provision of common services and the security of uniformity in such matters.

(f) The Organization agrees to conform, as far as may be practicable, to standard practices and forms recommended by the United Nations.

FINANCING OF SPECIAL SERVICES

Art. 13. 1. In the event of the Organization being faced with the necessity for incurring substantial extra expenses as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with Article 6 or with any other provision of this agreement, the Organization shall consult with the United Nations prior to incurring such expense with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the Organization shall similarly take place with a view to making such arrangements as may be found equitable for covering the costs of central administrative, technical or fiscal services or facilities or other special assistance requested by the Organization and provided by the United Nations.

INTER-AGENCY AGREEMENTS

Art. 14. 1. The Organization agrees to inform the Council of the nature and scope of any formal agreement contemplated between the Organization and any other specialized agency or other intergovernmental organization or international non-governmental organization, and further to inform the Council of the details of any such agreement when concluded.

2. The United Nations agrees to inform the Organization of the nature and scope of any formal agreement contemplated by any other specialized agencies on matters which might be of concern to the Organization and further will inform the Organization of the details of any such agreement, when concluded.

LIAISON

Art. 15. 1. The United Nations and the Organization agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking whatever further measures may be necessary to this end.

2. The liaison arrangements provided for in this agreement shall apply, as far as appropriate, to the relations between such branch and regional offices as may be established by the two organizations as well as between their central headquarters.

IMPLEMENTATION OF AGREEMENT

Art. 16. The Secretary-General of the United Nations and the appropriate authority of the Organization may enter into such supplementary arrangements for the implementation of this agreement as may be found desirable.

REVISION

Art. 17. On six months notice given on either part, this agreement shall be subject to revision by agreement between the United Nations and the Organization.

ENTRY INTO FORCE

Art. 18. This agreement shall come into force on its approval by the General Assembly of the United Nations and by the Organization in accordance with article 25 of the World Meteorological Convention.

BIBLIOGRAPHY

UN Yearbook (1947-48), pp. 980-83, bibliog. p. 1045.
World Meteorological Organization. Basic Documents, 1956.

APPENDIX

The material concerning these organizations was assembled too late for inclusion at the proper alphabetical place.

INTERNATIONAL OLIVE OIL COUNCIL

NOTE

An International Agreement on Olive Oil was drawn up at the First United Nations Conference on Olive Oil at Geneva in October, 1955, and modified at the Second United Nations Conference on Olive Oil by a Protocol signed on April 3, 1958. It entered into force on June 26, 1959.

Members of the Council are France, Greece, Israel, Libya, Morocco, Portugal, Spain, Tunisia and the United Kingdom.

The Council maintains relations with FAO, ICCICA (United Nations) and the International Olive Growers Federation (non-governmental).

Its headquarters are at Juan Bravo 10, Madrid.

INTERNATIONAL AGREEMENT ON OLIVE OIL, 1956¹

As amended by the Protocol of April 3, 1958

The contracting Governments have agreed as follows:

Chapter I – General Objectives

Art. 1. The objectives of this Agreement are:

1. To ensure fair competition among countries producing and exporting olive oil and to guarantee to consumers delivery of a commodity that conforms to the specifications of the contracts concluded;
2. To reduce the disadvantages due to fluctuations of supplies on the market, without hindering long-term changes in demand and productivity.

Chapter II – Participation

Art. 2. Participation in the Agreement is open to the Governments of all countries which consider themselves interested in the production or consumption of olive oil.

Chapter III – Definitions

Art. 3. 1. The “Council” means the Olive Oil Council established under article 21 of this Agreement.

2. The “Executive Committee” means the Committee established under the conditions laid down in article 31 of this Agreement.

3. The “olive crop year” means the period between the first of October of each year and the thirtieth of September of the following year.

4. The “Government of a mainly producing country” means a participating Government whose territory or territories, whether metropolitan, dependent or autonomous, taken as a whole, produced on the average, during the olive crop years 1949/50 to 1954/55, a volume of olive oil greater than the average annual imports of olive oil during the period 1951 to 1954.

5. The “Government of a mainly importing country” means a participating Government whose territory or territories, whether metropolitan, dependent or autonomous, taken as a whole, produced on the average, during the olive crop years 1949/50 to 1954/55, a volume of olive oil smaller than the average annual imports of olive oil during the period 1951 to 1954.

¹ United Nations Document E/CONF. 19/9 of May 15, 1958, supplied by the International Olive Oil Council.

Chapter IV – General Commitments of Participating Governments

Art. 4. Program of economic adjustment. Each participating Government shall undertake not to adopt any measures contrary to the obligations contracted under this Agreement or to the general objectives set forth in article 1.

Art. 5. Promotion of trade in and consumption of olive oil. Each participating Government shall undertake to adopt such measures as it deems appropriate to facilitate trade in and to develop consumption of olive oil. It shall also undertake not to impose restrictions on the production of olive oil.

Art. 6. Maintenance of fair labor standards. The participating Governments declare that, in order to raise the standard of living of populations and to avoid the introduction of unfair competitive practices in world trade in olive oil, they will endeavor to maintain fair standards in working conditions throughout the olive-growing and olive oil industry and in activities deriving therefrom.

Art. 7. Information and documentation. The participating Governments shall make available and supply all statistics and data required by the Council to enable it to discharge its functions under this Agreement and, in particular, all information required to establish the olive oil balance-sheet and to acquire a knowledge of the national olive oil policies of participating Governments.

Chapter V – International Classification and Labelling of Olive Oils

Art. 8. 1. The designation "olive oil" shall be restricted to the oil extracted exclusively from olives, without any admixture of oil derived from any other oil-bearing fruits or seeds.

2. Participating Governments shall undertake to suppress in their countries, within two years at the most after the ratification of this Agreement and if necessary by suitable legislation, any use of the designation "olive oil", alone or in combination with other words, which is not in conformity with this article.

Art. 9. 1. For international trade purposes, the designation of olive oils of different grades and qualities is given in Annex A to this Agreement, which specifies for each designation the corresponding characteristics.

2. The use of those designations shall be compulsory for each grade of olive oil and they shall appear in clearly legible characters on all containers.

Art. 10. 1. Participating Governments shall undertake to adopt all necessary measures, in the manner prescribed by their domestic legislation, to ensure the application of the principles and provisions set forth in articles 8, 9, 11 and 12 of this Agreement.

2. They shall undertake in particular to prohibit and repress the use within their territories, for international trade purposes, of indications of origin and designations of olive oils contrary to those principles. This undertaking shall apply to all inscriptions placed on containers, invoices, waybills or commercial documents, as well as in advertising, trade marks,

registered brand names or illustrations used in the international marketing of olive oils, in so far as such inscriptions might constitute false statements or give rise to confusion as to the origin or quality of the olive oils.

Art. 11. 1. Indications of origin, when given, may only be applied to virgin olive oils coming exclusively from the country, region or locality mentioned by such labelling.

2. Blended olive oil, whatever its origin, may only bear the indication of origin of the exporting country. Nevertheless, when the oil has been prepared and exported by the country supplying the virgin oils used in the blend, it may be identified by the geographical place-name of origin of the virgin olive oil used in the said blend. Where use is made of the generic name "Riviera", well known in international trade as a blend of virgin and refined virgin olive oil, this name must in every case be preceded by the word "type". The word "type" must appear on all containers in printed characters of the same size and manner of presentation as the word "Riviera".

Art. 12. As regards indications of origin, any disputes arising from the interpretation of the clauses of this chapter of the Agreement, or from difficulties in applying these provisions, which have not been settled by direct negotiation shall be examined by the Council.

2. The Council shall endeavor to bring about conciliation after consultation with the International Federation of Olive Growers and with a competent professional organization of a mainly importing country, and, if it considers it to be necessary, with the International Chamber of Commerce and the Permanent International Bureau of Analytical Chemistry; should it be unsuccessful and after all efforts to reach agreement have been exhausted, the Governments of the participating countries concerned shall have the right of recourse, as a last resort, to the International Court of Justice.

Chapter VI – World-Wide Publicity to Promote Olive Oil Consumption

Art. 13. Publicity programs. 1. The participating Governments shall undertake jointly to conduct a general olive oil publicity campaign, with a view to increasing olive oil consumption throughout the world. This campaign shall be based on the use of the designation "olive oil" as defined in paragraph 1 of article 8 of this Agreement.

2. It shall take the form of an educational and advertising campaign dealing with the taste, smell and color and the nutritive, therapeutic and other properties of olive oil, but excluding any indication of quality, origin or type.

Art. 14. The general and the more limited publicity campaigns to be conducted under article 13 above shall be organized by the Council, after consultation with the appropriate agencies and organizations, in accordance with the funds supplied to it for the purpose.

Art. 15. The Council shall be responsible for administering the funds allotted to the joint publicity program. The Council shall prepare annually, as an annex to its own budget, an estimate of receipts and expenditure relating to this publicity.

Art. 16. Publicity fund. 1. Participating Governments of mainly producing countries shall undertake to make available to the Council for joint publicity purposes, for each olive crop year, a sum to be fixed annually by the Council. This sum shall not be less than the equivalent of 300,000 United States dollars, and shall be payable in that currency. However, the Council shall decide the proportion in which each government may pay its contribution in other currencies.

These contributions shall be provided:

(a) As to 90 per cent on the basis of the average olive oil exports of each mainly producing country to mainly importing countries during the last four olive crop years preceding the entry into force of this Agreement. For the purposes of this article, exports shall not include trade either way between a metropolitan country and the dependent or self-governing territories which it represents in international affairs;

(b) As to 10 per cent, on the basis of the average olive oil production of each mainly producing country during the same period.

For the purpose of calculating each country's contribution, the term "olive oil" shall have the same meaning as in paragraph 1 of article 8 of this Agreement, but shall not include industrial oils.

2. If the Agreement expires and is not renewed, any funds not used for the publicity campaign shall be refunded to the participating Governments proportionately to their total contributions to the campaign during the period of validity of the Agreement.

Art. 17. The technical execution of publicity programs may be entrusted by the Council to a specialized agency of its own choice, representative of the olive-growing and olive oil industries, in particular the International Federation of Olive Growers.

Art. 18. The Council may receive voluntary contributions from Governments or from public or private sources for joint publicity.

Chapter VII – Economic measures

Art. 19. 1. The Council shall, at the beginning of each crop year, make a detailed examination of olive oil balance sheets and an over-all appraisal of olive oil supplies and requirements, on the basis of the information supplied by each participating Government in conformity with article 7 of the Agreement, the statistical records held by the Council and any other data which it may collect directly.

2. The Council shall make a further examination of the balance of supplies and requirements:

(a) Annually, after the harvest and not later than 30 April;

(b) Whenever a significant change in the situation appears to warrant such action.

3. On the basis of its conclusions after examination of the olive oil balance-sheets of each country and the appraisal of the over-all balance of supplies and requirements, the Council shall submit to the Governments participating in the Agreement such recommendations as it deems appropriate for the stabilization of the olive oil market.

Art. 20. In accordance with the general objectives set forth in article 1

of this Agreement for stabilizing the olive oil market, and in order to reduce disequilibria between international supply and demand due to crop fluctuations, the Council, as soon as it has been established, shall study and propose as soon as possible to participating Governments economic, financial and technical measures, including the creation of an international olive oil fund.

Chapter VIII – Administration

Art. 21. Olive Oil Council. An Olive Oil Council shall be entrusted with the administration of this Agreement.

Art. 22. Functions of the Council. 1. Within the framework of its administrative functions under the terms of the Agreement and apart from its particular duties in connection with the Joint Publicity Fund and, if applicable, an International Olive Oil Fund, the Council shall be responsible for promoting action for the stabilization and expansion of the world olive oil economy, by every means in its power, in the fields of production, trade and consumption.

2. The Council shall examine ways and means of securing a suitable increase in olive oil consumption. It shall in particular make to participating Governments appropriate recommendations concerning the adoption of a standard international contract, the functioning of International Arbitration Boards, the setting of uniform chemical and physical standards for, and methods of analysis of, olive oil.

3. The Council shall draft a code of standard fair trade practices for the international olive oil trade, particularly with respect to margins of tolerance. It may also undertake studies on questions relating to olive oil, and the stabilization and expansion of the olive oil market.

4. Furthermore, the Council is hereby authorized to undertake or cause to be undertaken other work, in particular the collection of detailed information concerning special assistance in different forms to olive oil activities, so as to be able to formulate any suggestions it may deem advisable for the implementation of the general aims listed in article 1 and the resolution of problems concerning olive oil. All such studies should cover as large a number of countries as possible and take into account the general economic and social conditions of the countries concerned.

5. The studies undertaken in accordance with paragraphs 3 and 4 of this article shall be conducted in conformity with any directives the Council may issue. To this end, the Council may avail itself, if necessary, of the services of the International Federation of Olive Growers, as a specialized technical non-governmental international organization.

6. The participating Governments shall inform the Council of the conclusions at which they have arrived after considering the recommendations and suggestions referred to in this article.

Art. 23. 1. The Council shall draw up rules of procedure in conformity with the provisions of this Agreement. It shall keep such records as are required to enable it to discharge its functions under this Agreement, and such other records as it considers desirable. In the event of in-

consistency between the rules of procedure thus adopted and the provisions of this Agreement, the Agreement shall prevail.

2. The Council shall draw up, prepare and publish any reports, studies, charts, analyses or other documents which it may deem desirable and useful.

3. The Council shall publish, at least once a year, a report on its activities and on the operation of this Agreement.

4. The Council may delegate to the Executive Committee, constituted under the conditions specified in article 31, the exercise of each of its powers and each of its functions other than those of administration of the Joint Publicity Fund and if applicable of the International Olive Oil Fund. The Council may, at any time, revoke such delegation of powers.

5. The Council may appoint such special committees as it deems advisable for assisting it in the exercise of its functions under this Agreement.

6. The Council shall exercise such other functions as are necessary for the execution of the terms of this Agreement.

Art. 24. Composition of the Council. 1. Subject to the provisions of paragraph 2 of article, each participating Government shall be a member of the Council with a right to vote. It shall have the right to be represented on the Council by a delegate and it may designate alternates. The delegate and alternates may be accompanied at the meetings of the Council by as many advisers as each participating Government deems necessary.

2. A participating Government which is mainly interested in the importation or consumption of olive oil and which represents in international affairs one or more dependent or self-governing territories mainly interested in the production or exportation of olive oil, or vice versa, shall be entitled either to joint representation in the Council with the dependent or self-governing territories which it represents in international affairs or, if it so desires, to the separate representation of such territories.

3. The Council shall elect a Chairman who shall not be entitled to vote and who shall hold office for the period of one olive crop year. The Chairman shall receive no remuneration and shall be chosen from among the members of the delegations of the participating countries. In the event of the Chairman being a voting delegate, his right to vote shall be exercised by another member of the delegation of his country.

4. The Council shall also elect a Deputy Chairman from among the members of the delegations of the participating countries. He shall hold office for the period of one olive crop year and shall receive no remuneration.

5. Within each participating country, and in so far as the legislation of the country allows, the Council shall have the legal capacity to perform the functions conferred upon it by this Agreement.

Art. 25. Meetings of the Council. 1. The Council shall determine where its seat shall be. It shall hold its meetings there unless it decides, as an exception, to hold a particular meeting in another place.

2. The Council shall meet regularly at least twice a year. In addition, it may also be convened at any time by its Chairman at his discretion.

3. The Chairman shall also convene the Council if so requested by:

five participating Governments, or
one or more participating Governments holding at least 10 per cent
of the total votes, or
the Executive Committee.

4. At least seven days' notice of each meeting as provided for in paragraph 2 and 3 of this article shall be given by the Chairman.

Art. 26. Representatives holding two-thirds of the votes of mainly producing countries and two-thirds of the votes of mainly importing countries shall together constitute a quorum at any meeting of the Council. Nevertheless, if such a quorum is not reached on the day appointed for a meeting of the Council convened in conformity with article 25 above, the said meeting shall be held three days later and the presence of representatives holding at least 50 per cent of the total votes of the participating Governments shall then constitute a quorum.

Art. 27. The Council may take decisions without holding a meeting, by an exchange of correspondence between the Chairman and the participating Governments, provided that no participating Government raises any objection to such procedure. Any decision thus taken shall be communicated as speedily as possible to all the participating Governments, and shall be entered in the record of the following meeting of the Council.

Art. 28. 1. The Governments parties to this Agreement shall be divided into two groups: the mainly producing countries and the mainly importing countries.

2. The Governments of the mainly producing countries shall have one vote in the Council per thousand metric tons of their annual average olive oil production during the period 1949/50 to 1954/55, on the understanding that no Government shall have less than one vote.

3. The Governments of the mainly importing countries shall have a number of votes in the Council equal to 25 per cent of the number of votes allotted to the Governments of the mainly producing countries. These votes shall be distributed among them proportionately to their average imports during the years 1951 to 1954, on the understanding that no Government shall have less than one vote.

4. There shall be no fractional votes.

5. If a participating Government takes advantage of the provisions of paragraph 2 of article 24 to ask for separate representation of one or more non-metropolitan territories which it represents in international affairs, such territory or territories shall be placed in the group corresponding to its or their main activity in the olive-growing and olive oil industry, on the understanding that the total number of votes held by the participating Government and its territory or territories separately represented shall not thereby be altered.

Art. 29. 1. The Council shall determine at its first session the number of votes to be allotted to each participating Government in accordance with the provisions of article 28 above.

2. Thereafter, the Council shall re-adjust or redistribute the votes allotted to the participating Governments

- (a) When a Government accedes to this Agreement;
- (b) When a Government withdraws from the Agreement;
- (c) In the circumstances provided for in paragraph 2 of article 24 and in article 41.

Art. 30. 1. The decisions of the Council shall be taken by a majority of the votes cast.

2. The Government of a participating mainly producing country may authorize the voting delegate of another mainly producing country, and the Government of a participating mainly importing country may authorize the voting delegate of another mainly importing country to represent its interests and to exercise its vote at one or more meetings of the Council. Evidence of such authorization acceptable to the Council shall be submitted to the Council. Nevertheless, the voting delegate of a mainly producing country, in addition to the powers and the right to vote held by his own country, may only represent the interests and exercise the right to vote of one other mainly producing country. On the other hand, the voting delegate of a mainly importing country may, in addition to the powers and the right to vote held by his country, represent the interests and exercise the right to vote of several mainly importing countries.

Art. 31. Executive Committee. 1. If the Council comprises at least eighteen members it shall appoint an Executive Committee composed of representatives of the Governments of seven participating mainly producing countries, five of which have the highest productions of olive oil, and of representatives of the Governments of five participating mainly importing countries, two of which have the highest imports of olive oil.

2. If the Council has fewer than eighteen members, it may appoint an Executive Committee composed of three-fifths and two-fifths respectively of representatives of Governments of participating mainly producing and participating mainly importing countries.

3. The members of the Executive Committee shall be appointed for one olive crop year by each of the groups respectively, and may be re-elected.

4. The Executive Committee shall exercise such powers and functions as shall be delegated to it by the Council in accordance with the provisions of paragraph 4 of article 23.

5. The Chairman of the Council shall be Chairman of the Executive Committee. He shall not be entitled to vote.

6. The Committee shall draw up its own rules of procedure, subject to the approval of the Council.

7. Each member of the Executive Committee shall have one vote. In the Committee, decisions shall be taken by a majority of the votes cast.

8. Any participating Government shall be entitled to appeal to the Council according to the procedure prescribed by the latter, against any decision of the Executive Committee, and the Executive Committee's decision shall be suspended pending the outcome of the appeal. In so far

as a Council decision differs from that of the Executive Committee, the latter shall be amended accordingly as from the date on which the Council decision is taken.

Art. 32. Secretariat. 1. The Council shall have a Secretariat composed of a Director and such staff as may be necessary to serve the Council and its Committees. The Council shall appoint the Director and shall define his responsibilities. The members of the staff shall be appointed under regulations established by the Council and shall not hold any office outside the organization nor engage in any outside employment. The Director shall submit to the Council for its approval the conditions of employment of any other auxiliary staff he may appoint.

2. It shall be a condition of employment for the Director and the staff of the Secretariat that they shall have no commercial or financial interests in any of the various sectors of the olive-growing and olive oil industries or in other activities connected with them, or, if they have, that they shall renounce them.

3. The responsibilities of the Director and of the members of the staff shall be exclusively international in character. In the discharge of their duties, they shall not seek or receive instructions from any government or from any other authority external to the organization. They shall refrain from any action which might reflect on their position as international officials.

4. The participating Governments shall respect the international character of the responsibilities of the members of the Secretariat and shall not seek to influence them in the discharge of their duties.

Chapter IX – Financial Provisions

Art. 33. 1. The expenses of delegations to the Council and of members of the Executive Committee shall be borne by their respective Governments. Other expenditures required for the administration of the Agreement, including the salaries paid by the Council, shall be met by means of annual contributions by participating Governments. The contribution of the Government of each participating mainly producing country for each olive crop year shall be proportionate to the number of votes it has when the budget for that year is adopted. The contribution of the Government of each participating mainly importing country shall be settled by special agreement between itself and the Council, taking into account its country's importance in the olive oil economy.

2. During its first meeting, the Council shall approve a provisional budget and fix the amount of the contribution to be paid for the first olive crop year by each participating Government.

3. During each year, the Council shall vote its budget for the following olive crop year and fix the amount of contributions by each participating Government for the aforesaid year.

4. The initial contribution of each participating Government acceding to this Agreement under article 36 shall be fixed by the Council on the basis of the number of votes allotted to the said country and of the fraction of the year remaining until the end of the current olive crop year. The

contributions fixed for the other participating Governments for the current olive crop year, however, shall not be modified.

5. Payment of contributions under this article shall fall due at the beginning of each olive crop year for which such contributions have been fixed and shall be payable in the currency of the country in which the seat of the Council is situated. Any participating Government which has failed to pay its contribution by the date of the next session of the Council following the end of the olive crop year for which such contribution has been fixed, shall have its right to vote suspended until its contribution is paid; nevertheless, except by a vote of the Council, it shall not be deprived of any of its other rights, nor released from any of its obligations under this Agreement.

6. The Government of the country in which the seat of the Council is situated should exempt from taxation, in so far as its legislation allows, the funds of the Council and the salaries paid by the Council to its personnel.

7. At the beginning of each olive crop year the Council shall publish a certified statement of its receipts and expenditure during the previous year.

8. Before its dissolution, the Council shall take the necessary steps for the settlement of its liabilities, the depositing of its archives and the disposal of any assets existing at the date of expiry of this Agreement.

Chapter X – Co-operation with other Organizations

Art. 34. The Council may make any suitable arrangements for consultation and co-operation with the Food and Agriculture Organization of the United Nations and other appropriate governmental and non-governmental agencies or institutions. It may also make any arrangements it deems advisable to enable the representatives of such organizations to attend its meetings.

Chapter XI – Disputes and Complaints

Art. 35. 1. Any dispute, other than as referred to in Article 12 concerning the interpretation of implementation of this Agreement, which has not been settled by negotiation shall, at the request of a participating Government which is a party to the dispute, be referred to the Council for decision after consulting, if necessary, an advisory commission, the composition of which shall be fixed by the Council's rules of procedure.

2. The advisory commission's opinion, with reasons stated, shall be submitted to the Council which shall settle the dispute after due consideration of all pertinent information.

3. Any complaint that any participating Government has not fulfilled the obligations imposed upon it by this Agreement shall, at the request of the participating Government making the complaint, be referred to the Council which shall take a decision on the subject.

4. A participating Government may be found by a vote of the Council to have committed a breach of this Agreement.

5. Should the Council find that a participating Government has

committed a breach of this Agreement, it may apply sanctions to that Government which may range from a warning to a suspension of the right to vote of the Government concerned until it has complied with its obligations, or to the exclusion of such Governments from the Agreement.

Chapter XII – Signature, acceptance, entry into force and accession

Art. 36. 1. This Agreement shall be open for signature at the Headquarters of the United Nations until 1 August 1958 by the Governments which have been invited to the United Nations Conference on Olive Oil.

2. This Agreement shall be submitted for ratification or acceptance by the signatory Governments in conformity with their respective constitutional procedures and the instruments of ratification or acceptance shall be deposited with the Secretary-General of the United Nations.

3. This Agreement shall be open for accession by any Government invited to the United Nations Conference on Olive Oil. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations. After its coming into force accession to this Agreement by any other Government Member of the United Nations or the Food and Agriculture Organization of the United Nations may be accepted by the Council provided that the conditions of such accession are previously determined by agreement between the Council and the Government concerned.

4. A Government shall become a party to this Agreement from the date on which it has deposited its instruments of ratification, acceptance or accession with the Secretary-General of the United Nations.

5. This Agreement shall enter into force on the day that the Governments of the five main producing countries and the Governments of at least two mainly importing countries have ratified or acceded to it but not earlier than 1 October 1958 nor later than 1 October 1959; nevertheless, in the event of only the Governments of four of the five main producing countries and the Governments of two mainly importing countries having ratified or acceded to it, all the Governments which have ratified or acceded to it may decide by mutual agreement that it shall enter into force between them. For the purposes of this paragraph an undertaking by a Government to seek to obtain as rapidly as possible under its constitutional procedure ratification or accession will be considered as equivalent to ratification or accession.

6. The Council may determine the conditions under which the Governments that have failed to ratify or accept this Agreement or that have not acceded to it before its entry into force but have given notice of their intention to obtain as speedily as possible a decision to ratify, accept or accede to it, may, if they so desire, take part in the work of the Council as non-voting observers.

7. The Secretary-General of the United Nations shall notify all the participating Governments of any signature, ratification or acceptance of this Agreement, or of any accession to the latter and shall inform all the participating Governments of any reservations or conditions attached *En*reto.

Chapter XIII – Duration, amendment, suspension, withdrawal, expiry, renewal

Art. 37. 1. This Agreement shall remain in force until the end of the fourth complete olive crop year of its operation.

2. The Council shall, at such time as it considers appropriate, communicate to the participating Governments its recommendations regarding renewal or replacement of this Agreement.

Art. 38. 1. In the event of circumstances arising which, in the opinion of the Council, hamper or threaten to hamper the functioning of this Agreement, the Council may recommend to the participating Governments an amendment of this Agreement.

2. The Council shall fix a time limit within which each participating Government shall notify the Secretary-General of the United Nations whether or not it accepts an amendment recommended under paragraph 1 of this article.

3. If, before the final date set in conformity with paragraph 2 of this article, all the participating Governments accept an amendment, it shall enter into force immediately after the receipt by the Secretary-General of the United Nations of the last acceptance. The Secretary-General shall immediately communicate this circumstance to the Council.

4. If, by the final date set in conformity with paragraph 2 of this article, an amendment is not accepted by the participating Governments holding two-thirds of the votes, such amendment shall not enter into force.

5. If, by the final date set in conformity with paragraph 2 of this article, an amendment is accepted by the Governments of the participating countries holding two-thirds of the votes, but not by the Governments of all the participating countries:

(a) The amendment shall enter into force for the participating Governments which have given notice of their acceptance in accordance with paragraph 2 of this article, at the beginning of the olive crop year immediately following the final date, in conformity with the provisions of this paragraph;

(b) The Council shall decide immediately whether the amendment is of such a nature that the participating Governments not accepting it must be suspended from this Agreement as from the date on which such amendment enters into force in accordance with sub-paragraph (a) above, and shall inform all the participating Governments accordingly. Should the Council decide that the amendment is of such a nature, the participating Governments which have not accepted it shall inform the Council before the date on which the amendment is to enter into force in accordance with sub-paragraph (a) above, whether they still consider such an amendment unacceptable; the participating Governments which have so decided and those which have not given notice of their decision shall then be automatically suspended from this Agreement from the date of entry into force of the amendment. Nevertheless, should any such Government satisfy the Council that it was prevented from accepting the amendment before its entry into force, in accordance with sub-paragraph (a) above, on account of constitutional difficulties beyond its control, the Council may defer suspension until such difficulties have been overcome and the participating Government has notified the Council of its decision.

6. The Council shall lay down the rules under which a participating

Government suspended in accordance with sub-paragraph (b) of paragraph 5 of this article may be reinstated, as well as the necessary rules for carrying out the provisions of this article.

Art. 39. 1. Should a participating Government consider its interests seriously endangered by the fact that a signatory Government fails to ratify or accept this Agreement, or because of conditions or reservations attached to a signing, ratification or acceptance, that Government shall notify the Secretary-General of the United Nations. On receipt of such notification, the Secretary-General shall inform the Council which shall examine the question either at its first meeting, or at one of its subsequent meetings held within a period of one month at the most after receipt of such notification. If, after examination of the question by the Council, the participating Government continues to consider its interests seriously endangered it may withdraw from the Agreement by giving notice of its withdrawal to the Secretary-General of the United Nations within a period of thirty days after being notified of the Council's decision.

2. The procedure laid down in paragraph 1 of this article shall be applied in the following cases:

(a) When a participating Government declares that circumstances beyond its control prevent it from fulfilling its obligations under this Agreement;

(b) When a participating Government considers its interests under the Agreement seriously prejudiced by the withdrawal of another participating Government, or by the withdrawal under article 41, paragraph 2, of all or some of the non-metropolitan territories of another participating Government;

(c) When a participating Government considers its interests under the Agreement seriously prejudiced through a measure taken by another participating Government if the said measure is not suspended or modified in accordance with the recommendations which the Council, on receipt of a complaint, may make;

(d) When a participating Government considers, contrary to a Council decision, taken in accordance with article 38, paragraph 5, sub-paragraph (b), that an amendment is of such a nature as to justify its withdrawal.

3. A participating Government may, by giving notice to the Secretary-General of the United Nations, withdraw from the Agreement if it is involved in hostilities.

4. Any notice of withdrawal given in conformity with the provisions of paragraphs 2 (b), 2 (c), 2 (d) of this article must be addressed to the Secretary-General of the United Nations and shall take effect two months before the beginning of the next olive crop year.

5. Any withdrawal notified in conformity with paragraphs 2(a) or 3 of this article shall take effect as from the date of receipt of such notification by the Secretary-General of the United Nations.

Art. 40. The Secretary-General of the United Nations shall inform without delay all participating Governments of any notification of withdrawal which has been brought to his notice in accordance with article 39 of this Agreement.

Chapter XIV – Territorial application

Art. 41. 1. Any Government may upon signature, ratification or acceptance of this Agreement, or of accession to the latter, or at any subsequent time, declare by notice to the Secretary-General of the United Nations that the Agreement shall extend to all or some of the non-metropolitan territories which it represents in international affairs and the Agreement shall apply on receipt of such notice to the territories mentioned therein.

2. In conformity with the provisions of article 39 concerning withdrawal, any participating Government may notify the Secretary-General of the United Nations of the separate withdrawal from this Agreement of all or any of the non-metropolitan territories which it represents in international affairs.

3. The Secretary-General shall inform participating Governments of such extensions or withdrawals.

IN WITNESS WHEREOF, the undersigned, being duly authorized to this effect by their respective Governments, have signed the present Agreement on the dates appearing opposite their signatures.

The texts of the present Agreement in the English, French and Spanish languages shall all be equally authentic, the original being deposited with the Secretary-General of the United Nations who shall transmit certified true copies to all signatory or acceding Governments.

ANNEX A

CLASSIFICATIONS AND DEFINITIONS OF OLIVE
OIL FOR INTERNATIONAL TRADE

1. *Virgin olive oils*: Olive oils produced by mechanical processes and free from any admixture of other types of oils or oils extracted in a different manner, classified as follows:
 - (a) *Extra*: Olive oil of absolutely perfect flavor, having a maximum acidity – i.e., oleic acid content – of 1 gramme per 100 grammes.
 - (b) *Fine*: Olive oil with the same characteristics as extra, except that its maximum acidity – i.e., oleic acid content – is 1.5 grammes per 100 grammes.
 - (c) *Ordinary*: Slightly off-flavor olive oil having a maximum acidity – i.e., oleic acid content – of 3 grammes per 100 grammes, with a tolerance of 10 per cent.
 - (d) *Lampante* (lamp oil): Off-flavor olive oil.
2. *Refined olive oils*:
 - (a) *Pure olive oil, refined*: Oil obtained by refining virgin olive oil.
 - (b) *Second-quality olive oil, refined*: Oil obtained by refining oils extracted with solvents.
3. *Blended olive oils*:
 - (a) *Pure olive oil* consisting of a blend of virgin olive oil and refined pure olive oil.
 - (b) *Blended olive oil* consisting of a blend of virgin olive oil and refined second-quality olive oil.
4. *Industrial oils*:

Oils obtained by treating olive residues with solvents.
5. *Types*:

Mixed oils may also be classified as types, the grading of which is determined by mutual agreement between buyers and sellers. The term “virgin oil” shall not be applied to blends of virgin and refined oils.

PROVISIONAL INTERNATIONAL COMPUTATION CENTER

NOTE

A Convention establishing an International Computation Center was signed on December 6, 1951, at a conference convened by UNESCO. It is not yet in force, having received (up to March 31, 1961) eight of the necessary ten ratifications.

In 1957, the Director-General of UNESCO, in agreement with the Italian authorities, concluded a contract with the Italian Institute of Higher Mathematics for the establishment in Rome of a Provisional International Computation Center pending the entry into force of the Convention.

The countries which have already ratified the Convention are Belgium, Ceylon, France, Italy, Japan, Libya, Mexico and the United Arab Republic. The members of the Preparatory Committee which supervises and finances the Provisional Center are Ceylon, France, Germany, Italy, Japan, Libya, United Arab Republic and two representatives each of UNESCO and the Italian Institute of Higher Mathematics.

The Headquarters are at the Palazzo degli Uffici, Zona del'E.U.R., Rome.

CONVENTION FOR THE ESTABLISHMENT OF THE INTERNATIONAL COMPUTATION CENTER¹

December 6, 1951

The Contracting Parties,

In view of resolutions 22 (III) of 3 October 1946, 160 (VII) of 10 August 1948, 318 (XI) of 14 August 1950 and 394 (XIII) of 24 August 1951, adopted by the Economic and Social Council of the United Nations;

In view of resolution 2.24 adopted at its sixth session by the General Conference of the United Nations Educational, Scientific and Cultural Organization;

Convinced that all human progress in the economic and social fields is necessarily dependent upon the development of scientific research and discovery;

Considering:

That much scientific research would yield far more valuable results if carried out internationally;

That there are mathematical problems at the present time in many branches of science which involve extremely complicated calculations;

That future progress in several branches of science depends to a large extent on the solution of such problems;

That recent progress in the field of computing machines now makes it possible to perform certain numerical calculations which would have been practically impossible in the past;

That it is thus highly desirable to establish an international institution with the task of promoting and applying modern computing devices and of carrying out systematic and continuous research with a view to improving those devices;

Agree as follows:

Establishment of the Center

Art. 1. An International Computation Center, hereinafter called the Center, is hereby established. Its seat is at Rome.

Functions

Art. 2. The Center has a triple function:

1. Scientific research.
2. Education.
3. Consultative and computation service.

¹ UNESCO document UNESCO/NS/90 of Jan. 7, 1952. Supplied by the Provisional International Center.

These three complementary and essential functions are of equal importance.

In order the better to carry out the *first* of its functions, the Center shall:

Establish and put into operation one or more laboratories equipped with various types of calculating machines;

Conduct scientific research on questions relating to the use and improvement of computing devices;

Work out a program for the study, on an international level, of pure science problems, in so far as these problems concern computation;

Endeavor to promote collaboration among computation institutes throughout the world, to assist the co-ordination of their work and encourage their activities;

Provide for the publication and distribution of the results of its research and, in addition, endeavor to provide for the publication of other work of a similar character.

In order the better to carry out the *second* of its functions, the Center shall prepare and carry out a plan for the professional education and advanced training of specialists in the field of computation.

In order the better to carry out the *third* of its functions the Center shall:

Provide a consultative service;

Establish and maintain a computation service.

In carrying out the functions set out above the Center shall endeavor primarily to meet the needs of its Member States, and especially the needs of those which may have limited resources.

It shall, at all times, act in conformity with the objectives of international peace and the common welfare of mankind, for which the United Nations Organization was established, and which its Charter proclaims.

Membership

Art. 3. States which are members either of the United Nations, or of the United Nations Educational, Scientific and Cultural Organization, or of one of the other Specialized Agencies of the United Nations and which become parties to the present Convention, shall be members of the Center.

Organs

Art. 4. The Center shall comprise:

1. A General Assembly.
2. An Executive Council.
3. A scientific and administrative staff, headed by a Director.

General Assembly

Art. 5. 1. The General Assembly shall consist of one representative, preferably with scientific qualifications, of each Member State of the Center and of a representative of the United Nations Educational,

Scientific and Cultural Organization. Each of the representatives may be assisted by a deputy.

2. The General Assembly is the supreme organ of the Center. It shall make regulations and take all decisions relating to the operation of the Center. In particular, it shall decide on the establishment of the laboratories referred to in Article 2 taking into account, in selecting the sites, the necessity of an equitable geographical distribution of the activities of the Center. It shall settle, at each of its ordinary sessions, the outlines of the program of the Center and the basis of its budget for the two succeeding years. It shall examine the biennial report of activities presented by the Director of the Center, which shall be accompanied by the comments of the Executive Council. It shall elect the persons to hold office on the Executive Council, in accordance with Article 6; it shall appoint the Director of the Center in accordance with Article 7.

3. The General Assembly shall elect its officers and make its own rules of procedure. Its decisions shall be made by a majority of members present and voting, unless otherwise provided in this Convention.

4. The General Assembly shall meet in ordinary session every two years. It shall meet in extraordinary session on the summons of the Chairman of the Executive Council, at the request of a majority of Member-States, or upon the decision of the Executive Council.

5. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall convoke the first session of the General Assembly of the Center within three months from the entry into force of the present Convention. He shall make all necessary arrangements for drawing up a provisional agenda and for the preparation of the first session.

Executive Council

Art. 6. 1. The Executive Council shall consist of six persons elected by the General Assembly from candidates presented by Member States, according to the provisions of paragraph 2 of this Article, and of the representative of the United Nations Educational, Scientific and Cultural Organization.

2. Each Member State shall present two candidates to the General Assembly, one being chosen for his scientific qualifications and the other for his administrative experience. In electing the members of the Executive Council, the General Assembly shall preserve an equitable geographical distribution. No one of the elected members of the Council shall be of the same nationality as any other.

3. Each elected member of the Council shall have, as deputy, the candidate presented with him by the Member State.

4. The term of office of members of the Executive Council elected by the General Assembly shall run from the end of the ordinary session of the General Assembly which elected them until the end of the second ordinary session thereafter. Persons elected to the Executive Council are not immediately eligible for re-election. The General Assembly shall, at its first session, select, by lot, three elected members of the Executive Council

for a term of office to expire at the end of the next ordinary session. The term of office of members of the Executive Council elected at the first session of the General Assembly shall run from the day of their election.

5. The Executive Council, acting under the authority of the General Assembly, shall be responsible to it for carrying out the program adopted by the Assembly. In particular, it shall:

(a) Examine and approve the annual reports and programs drawn up by the Director of the Center; the biennial report of activities to be presented to the General Assembly shall also be submitted to the Council;

(b) Control the financial administration of the Center and adopt the annual budget;

(c) Determine the agreements to be concluded by the Center dealing with scientific collaboration;

(d) Submit to the General Assembly a list of candidates for the post of Director, with an opinion on each candidate;

(e) Make the higher staff appointments of the Center on the proposal of the Director;

(f) If the Director is unable to continue his functions, appoint a substitute to hold office until the next session of the General Assembly.

6. The Executive Council shall meet in ordinary session twice a year. It shall meet in extraordinary session on the request of three of its members or if summoned by its Chairman.

Director and Staff

Art. 7. 1. The Director of the Center shall be appointed by the General Assembly from among the candidates proposed by the Executive Council. He shall be appointed for a period of four years. He shall be eligible for reappointment.

2. The Director shall conduct the work of the Center in accordance with the programs and directives decided upon by the General Assembly, along the lines laid down by the Executive Council. He shall represent the Center for legal and all other civil purposes.

3. The Director shall appoint staff to fill all scientific and administrative posts, with the exception of the appointments referred to in Article 6, paragraph 5, sub-paragraph (e).

4. Subject to the paramount consideration of securing the highest standards of integrity, efficiency and technical competence, appointments to the staff shall be on as wide a geographical basis as possible. Extensive publicity shall be given to staff vacancies.

5. In the performance of their functions, the Director and the staff shall neither seek nor receive instructions from any government or from any authority external to the Center.

Financial Provisions

Art. 8. 1. The financial resources of the Center are made up of the annual contributions of Member States, of gifts, bequests and subventions which it may accept in accordance with paragraph 6 of this Article, and payments received for services rendered.

2. The annual contributions of Member States to the budget of the

Center are to be fixed in accordance with the scale annexed to the present Convention. However, the General Assembly may reduce in equal proportions the amount to be contributed in any given year, if it appears to it that the other resources of the Center permit such a course. It may also, by majority of two-thirds of the members present and voting, increase in equal proportions the amount to be contributed in any given year.

3. Notwithstanding the provisions of paragraph 2 of this Article, the amount payable by each Member State as its first financial contribution to the budget of the Center shall, whatever the date on which a State becomes party to the present Convention, be determined definitively at the first session of the General Assembly at a fixed percentage of the amount set out in the scale annexed. This percentage may not be less than 100% nor exceed 125%.

4. In return for its financial contribution, each Member State shall have a right to the Center's services free of charge, to an extent to be determined by the General Assembly.

5. Should a Member State fail to fulfil its financial obligations towards the Center, the General Assembly may, on the recommendation of the Executive Council, suspend the rights and privileges to be enjoyed by that Member State to the extent determined by the General Assembly.

6. The Director of the Center may, with the approval of the Executive Council, accept gifts, bequests or subventions offered to the Center, provided that no condition, contrary to the aims of the Center is attached to such gifts, bequests or subventions.

Relations with the United Nations Educational, Scientific and Cultural Organization

Art. 9. The Center shall conclude an agreement with the United Nations Educational, Scientific and Cultural Organization with a view to providing for close and effective co-operation between the two institutions, particularly in regard to aid to scientific research, exchange of information and staff, the functioning of common services and the granting of mutual facilities.

Relations with Host Countries

Art. 10. The Center shall make agreements with the countries on whose territories the seat of the Center or its laboratories are situated, in order to ensure effective collaboration with appropriate institutions in such countries.

Legal Status and Immunities of the Centre

Art. 11. 1. On the territory of each of its Member States, the Center shall have the legal status and privileges and immunities which are necessary to carry out its functions and achieve its aims.

2. The privileges and immunities of the Center and its staff in the countries on whose territory its seat or laboratories are established shall be provided for by agreements.

Withdrawal of Member States

Art. 12. Any Member State may give notice of withdrawal from the Center at any time after the expiration of three years from the date of becoming party to this Convention. Such notice shall take effect one year after the date of its communication to the Director of the Center, subject to the Member State's having at that time paid its annual contribution for each year of its membership, including the financial year following the date of such notice. The Director shall communicate this notice to all Member States of the Center and to the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Amendments

Art. 13. The present Convention may be amended by the General Assembly on the proposal of a Member State. Each proposed amendment must be communicated to Member States at least three months before being submitted to the General Assembly. Only representatives of Member States may vote on amendments. A proposal for amendment is passed only if it obtains affirmative votes equal in number to at least two-thirds of the number of Member States.

Final Provisions

Art. 14. 1. This Convention shall be open for signature and acceptance by all Member States of the United Nations or of the United Nations Educational, Scientific and Cultural Organization, or of any of the other Specialized Agencies of the United Nations.

2. States may become parties to this Convention by:

- (a) Signature without reservation as to subsequent acceptance;
- (b) Signature with reservation as to acceptance, followed by acceptance;
- (c) Unconditional acceptance.

Acceptance shall be valid when an official instrument has been deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3. This Convention shall enter into force when ten States have become parties thereto in accordance with the provisions of paragraph 2 of this Article.

4. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform States parties to this Convention of the date of its entering into force. He shall inform them also of the dates on which other States become parties to this Convention.

5. Upon the entry into force of this Convention, the Director-General of the United Nations Educational, Scientific and Cultural Organization, shall transmit it for registration to the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned representatives, duly authorized to that effect, have signed this Convention.

Done in the city of Paris, the sixth of December 1951, in one copy, in the French and English languages, both texts being equally authentic.

The original shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization. The Director-General of that Organization shall deliver certified copies to each of the governments of the States mentioned in Article 14, paragraph 1.

ANNEX

SCALE OF CONTRIBUTIONS

I. *States which are members of the United Nations Educational, Scientific and Cultural Organization (Unesco)*

Group A: States whose contribution to Unesco are less than 0.50% of the Unesco budget, the equivalent of	U.S. \$ 2,000
Group B: States whose contributions to Unesco equal or exceed 0.50% and are less than 2% of the Unesco budget, the equivalent of	U.S. \$ 5,000
Group C: States whose contributions to Unesco equal or exceed 2% and are less than 5% of the Unesco budget, the equivalent of	U.S. \$ 10,000
Group D: States whose contributions to Unesco equal or exceed 5% and are less than 15% of the Unesco budget, the equivalent of	U.S. \$ 15,000
Group E: States whose contributions to Unesco equal or exceed 15% of the Unesco budget, the equivalent of	U.S. \$ 20,000

II. *States which are members of the United Nations, but not members of Unesco*

These States will be placed in the above groups on the basis of the percentages of their contributions to the budget of the United Nations.

III. *States which are members of one of the Specialized Agencies of the United Nations, but are not members of Unesco nor of the United Nations*

These States will be placed in the above groups on the basis of the probable percentage of their contribution to the United Nations determined by the Committee on Contributions of the United Nations.

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